

Bulletin

OF THE

INTERNATIONAL LABOUR OFFICE

NATIONAL LABOUR LEGISLATION.

DENMARK: Accident Insurance Act.

JAPAN: Factory Regulations.



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Bulletin

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INTERNATIONAL LABOUR OFFICE

NOTE.—The German, French, and English editions of the *Bulletin* are referred to as G.B., F.B., and E.B., respectively.]

International Labour Legislation

Convenio entre S.M. Católica el Rey de España y el Excmo. Sr. Presidente de la República de Liberia para el reclutamiento de braceros en dicha República para trabajar en la Colonia de Fernando Po. 22 de Mayo/12 de Junio de 1914. (B.I.R.S. XII., I., 130.)

Convention between H.C.M. the King of Spain and his M.E. the President of the Republic of Liberia as to the recruiting of labourers in the said Republic to work in the Colony of Fernando Po. (22nd May/12th June, 1914.*)

1. The Government of the Republic of Liberia, with the consent of H.C.M. the King of Spain, shall nominate a Consul of the said Republic at Santa Isabel, Fernando Po.

2. The Government of the Republic of Liberia shall nominate in each port used for the embarkation of labourers, an agent, to be called "Labour Agent," who shall be under the inspection of the Custom House Authorities of the Republic.

3. The general administration of the Spanish possessions of the Gulf of Guinea shall nominate recruiting agents who shall be subject to the laws of Liberia, or a Recruiting Agency under the inspection and control of the Spanish Consul at Monrovia, shall be established in the ports used; the nominations of the said recruiting agents, and the organisation of the agency when it is established, shall be submitted for the approval of the Liberian Government.

4. For so long as the said recruiting agents are not nominated by the Government of Fernando Po, or the recruiting agency is not established, the Government of the Republic of Liberia, on the request of that of Spanish Guinea, shall unofficially indicate four persons to exercise the functions of recruiting agents, without such indication involving the Government of the Republic in any responsibility; and the Government of Fernando Po shall nominate a Commission of agriculturists approved by the Government of the Republic, who shall go to Monrovia, to come to an agreement with the said recruiting agents, with the object of organising the immigration of Liberian labourers into the Island of Fernando Po. This Commission shall be duly authorised and shall present itself to the State Secretariate.

* The exchange of ratifications took place on 22nd May, 1915.

5. The recruiting agents and, for its part, the Recruiting Agency which it is nominated, shall present in quadruplicate, to the Labour Agent of the port of embarkation, a summary (relación) of the contracts which have been made, which shall be viséd by the Labour Agent; one shall remain in the custody of the Custom House Authorities for the receipt of the fees, another shall be sent to the Department of State of the Republic; another shall be sent to the Liberian Consul at Santa Isabel de Fernando Po, and the fourth shall be sent to the Governor-General of the Spanish possessions in the Gulf of Guinea.

These summaries shall state clearly the name and surname of the labourer, the province, town, district and tribe to which he belongs, and the name of its chief; the term for which the labourer is bound to serve in Fernando Po, and the date when the term expires.

These summaries shall be presented to the Labour Agent at least three days before the sailing of the steamer in which the labourers have to embark.

If, after the presentation of the abstracts to the Labour Agent, any difficulty shall arise because one of those bound to serve in Fernando Po does not wish to embark, or does not present himself at his proper time, the Recruiting Agent shall inform the Labour Agent thereof. The Liberian Consul at Fernando Po shall inform the authorities of the port of embarkation or those of Monrovia, by the same steamer in which these labourers ought to embark, of the fact that they are not coming; in this case, the fees for embarkation and the cost of the seal of the passport of those who have not embarked shall be remitted to the agent or person who had wished to embark the labourers on the next embarkation of labourers.

The fees and the cost of the seal of the passport shall be paid in advance on the embarkation of the labourers, and the amount of these shall be stated in the summaries.

6. In the labourers' indentures a maximum time of two years and minimum of one shall be fixed; this time shall commence to run from the day on which the labourer shall have entered into his contract before the Colonial Curator (Curador) in Fernando Po.

In each of the two cases the authorities of Fernando Po shall undertake that no labourer shall remain in the said Island a longer time than he bound himself to serve in Fernando Po before his departure from Liberia.

7. The recruiting of labourers shall not be permitted to any person or company who is not authorised by the Government of Spanish Guinea and does not possess the sanction of the Government of Liberia for the importation of labourers into Fernando Po.

The names of the recruiting agents who from time to time are authorised by the Liberian Government to recruit labourers, shall be notified to the Government of Fernando Po.

8. Labourers may not be recruited in Liberia to work on definite plantations in Fernando Po.

The labourers shall be sent direct to the Liberian Consul at Santa Isabel together with the summaries referred to in §5.

When the steamer which brings the labourers arrives at Santa Isabel the Liberian Consul and Colonial Curator shall go on board with some soldiers of the special guard of the Curator's Office (curaduria); the Consul having delivered the labourers to the Curator, the latter shall take them on shore and lodge and board them till the next day at the sole cost of the master who hires them.

Every labourer sent to Fernando Po shall be put at the disposition of the Curator by the Liberian Consul, so that he in turn may contract them out to persons or agriculturists who want them.

9. On the day following the arrival of the labourers and at an hour which has been agreed upon, the Liberian Consul shall go to the Curator's Office and in his presence the contracts of the labourers shall be made, in which shall be set out the particulars prescribed for contracts in the Colony (Official Bulletin No. 15 of 1st August, 1912).

Four summaries shall be made of these contracts if possible by the masters; one of these copies shall remain in the custody of the Liberian Consul, another in the Curator's Office to be entered in his books, another shall be sent to the Secretary of State of the Republic of Liberia and another to the Labour Agent of the port of embarkation of the labourers. These summaries shall be signed by the Liberian Consul and the Colonial Curator.

10. The Colonial Curator shall not contract any labourer to persons who are not solvent, unless other solvent persons are sureties for them.

In this case the latter shall bind themselves in writing to guarantee good treatment, good food and good pay for the labourers, making themselves responsible for the default of those for whom they are sureties, and if, for any cause, the surety withdraws his guarantee, he shall at once inform the Curator and the Liberian Consul, the former of whom shall withdraw the labourer from the person whose guarantee has been withdrawn.

11. The Colonial Curator shall not contract out any labourer for a longer time than that for which he bound himself on leaving Liberia, and which is stated in the summary sent by the Labour Agent.

If any contract of a Liberian subject is made for a longer time than that for which he bound himself to serve in Fernando Po, the contract shall be deemed void; the labourer shall be withdrawn from his master, to be contracted out to another until the end of the time for which he bound himself to serve, and the authorities of Fernando Po shall proceed against the Colonial Curator.

12. All the contracts now in force and those which are confirmed up to the time when a Liberian Consul in Fernando Po is nominated and this convention is ratified, shall be valid; the authorities of Fernando Po shall undertake that, while the Liberian Consul is not nominated, no new contract of Liberian subjects shall be authorised which involves serving for more than two years in Fernando Po; as soon as the Liberian Consul is nominated, the Curator shall furnish him with a summary of all the contracts of Liberian subjects then in force and unexpired, stating the date of the contract, that of its termination, its number, the name of the master and the wages at which the labourer was contracted.

13. The Government of the Spanish possessions of the Gulf of Guinea guarantees the due payment of the labourers' wages, and the moiety of the said salary which he ought to receive at the termination of the contract shall be changed into pounds sterling and silver money of the United Kingdom by the Curator's Office, and delivered, with a list of the labourers who have been paid off, to the captain of the steamer which is to take them to Monrovia.

On arrival at the said port, the Labour Agent shall go on board; and the captain of the steamer, in his presence and in accordance with the summary which is produced, shall pay the workmen, who immediately thereupon shall be taken on shore by the Labour Agent, who shall certify in the summaries that the labourers specified there have been paid the amounts therein expressed.

These amounts shall be expressed in pesetas and pounds sterling, and the foot of the summary shall be stated the rate of exchange at the place certified by the Liberian Consul.

The other moiety of the wages shall be paid monthly to the labourers under the inspection of the authorities and in accordance with the provisions in force in the Colony (Official Bulletin, No. 16 of the 15th August, 1913).

14. The Liberian Consul shall be present at the settlement with the labourers who are Liberian subjects and shall certify at the foot of the summary that those stated there have been paid off and at the current rate of exchange.

One of these summaries shall remain in the Curator's Office; another in the custody of the Consul; another shall be sent to the Secretary of State of Liberia; the fourth to the Labour Recruiting Agent; and the fifth shall be delivered, with the amount of the payment, to the captain of the steamer who has to take the labourers to Monrovia.

15. The Liberian Consul may present himself at the Curator's Office as representative of the labourers who are Liberian subjects in order to make whatever complaint he thinks proper on account of his countrymen, and he may also report to the Curator any bad treatment of which the Liberian subjects complain.

On the complaint being made to the Curator, he shall begin a speedy investigation, and give notice in writing to the Liberian Consul of its result, and if the Consul does not approve of the said decision, he may present an appeal to the Governor-General against the decision come to by the Curator.

16. In judicial proceedings in which Liberian subjects are involved, the Liberian Consul shall ask for an attested copy of the judgment, this shall be allowed by the examining magistrate.

17. The Liberian Consul, with the previous authorisation of the owners or their representatives, may visit the plantation in Fernando Po to inform himself of the conditions under which the labourers who are Liberian subjects work, and he shall bring to the knowledge of the Colonial Curator any defects that he notes in things which affect his countrymen.

18. The Government of the Spanish Colony guarantees the observance of the provisions in force relating to the treatment of the labourers, and those which may be issued hereafter for their benefit.

19. All labourers contracted by agents authorised by the Government of Guinea, who leave Liberia to go and work in Fernando Po, shall be taken to Santa Isabel in all cases only in Spanish mail steamers and not in any steamer under a foreign flag. Their passages shall be paid for at Fernando Po at the agency of the Transatlantic Company by the masters, when the labourers are contracted. All labourers on completing their contracts shall be repatriated by means of Spanish steamers only.

20. In order to facilitate the embarkation of labourers whose destination is Fernando Po, and to carry out the preceding article, the Government of H.C.M. the King of Spain shall make an arrangement with the Spanish Transatlantic Company that their steamers shall touch at the different ports of Liberia where the embarkation of labourers is permitted; for this purpose the Liberian Government shall as early as possible communicate the names of the said ports to the Government of H.C.M. the King of Spain.

21. In the event of the death of a labourer and on its notification in the Official Bulletin, the Liberian Consul may reclaim in the Curator's Office the sums due to and effects of the deceased, which he shall remit to the Liberian State Department, to be delivered over to the deceased's family.

22. For every contract made before the Curator, viséd by the Consul, the master shall pay the latter two shillings, and for the registration of each Liberian labourer on his being repatriated the master shall pay four shillings to the Consulate.

23. This Convention shall remain in force until one of the contracting parties denounces it by six month's previous notice.

National Labour Legislation

1. LAWS AND ORDERS

I. Denmark

Lov om Forsikring mod Følger af Ulykkestilfælde. Den 6te Juli 1916. (Nr. 205-1916.)

Act (No. 205, 1916) respecting insurance against the consequences of accidents.
(Dated 6th July, 1916.)

CHAPTER I.—*General Provisions.*

1. If a person insured in pursuance of this Act meets with an accident which reduces his earning capacity temporarily or permanently, he shall be insured against the consequences of the accident in the manner and to the extent provided below. If the accident results in death, his survivors shall be insured in the same manner against the loss of their breadwinner.

Injurious effects lasting at most some few days, which are due to the work or the conditions under which it is carried on and which result in a reduction of earning capacity or death, shall be treated as accidents.

2. The State and the communes shall grant their employees and workers compensation in accordance with the provisions of this Act. As regards persons employed by the State, the said provisions may, however, be adapted by Royal Order to their special conditions; the same shall apply in the case of persons who are paid out of the State's annual grant to the King; the opinion of the Workers' Insurance Council shall, in such cases, be first procured.

Provisions as regards the liability of other employers in respect of insurance and as regards admission to voluntary insurance are contained in the sixth, seventh, eighth and ninth chapters.

3. The insurance shall cover accidents sustained by insured persons in the occupations contemplated in this Act or arising from the conditions under which they are carried on. In addition, the insurance shall cover accidents shown to have been caused by the insured person's attempt to save human life, to prevent accidents or to avert serious loss to property or culture, provided it occurs, whether in or outside the workplace, in connection with such occupation.

Accidents which the insured person has himself brought about deliberately shall be excluded from the insurance. The compensation may be reduced or confiscated if the insured person has himself either brought the accident about or contributed to an essential degree towards it, by gross negligence, by neglecting to observe regulations which are properly in force, or by drunkenness. In such a case the Workers' Insurance Council shall expressly state this fact in the award.

4. If the injured person or the survivors have established a legal claim under provisions giving compensation for accidents other than those contained in this Act, they shall not be entitled to claim under the present Act at the same time or at a later date or to demand an award from the Council, unless the Council, after having examined the details of the case, gives its consent.

When an insured person or his survivors have received benefits under the Act, they shall thereby relinquish all legal rights to proceed at the same time or later against the employer or any other person under the provisions mentioned above. Notwithstanding, this shall not apply if the Council is of opinion that the insured person or his survivors has cause to sue the employer or any other person and gives the person concerned written notice of this fact. In such case the legal proceedings shall not affect the claims of the insured person or his survivors under this Act, but in so far as accident compensation is awarded to them by the court they shall, so far as it suffices, reimburse to the insurance society (employer) concerned what may have been paid out under this Act. If proceedings are instituted, the Council shall arrange for the applicants to be given the right to take action without fee.

5. Agreements between persons bound to insure and persons entitled to be insured shall be void if they would have the effect of putting any provision of this Act out of operation or of requiring the insured person to pay an insurance premium which it is the duty of the employer to pay under this Act, or of calculating compulsory benefits not in accordance with this Act. Agreements to withhold wages in respect of insurance under this Act shall likewise be void.

6. The claims of insured persons or their survivors under this Act shall not be transferable or liable to seizure or to become the object of legal proceedings for the satisfaction of creditors.

7. The Ministry of the Interior shall, after procuring an opinion from the Workers' Insurance Council, issue regulations respecting the extent to which the provisions of this Act shall apply to workers who are temporarily employed in Iceland, Greenland and the Danish West Indian Islands in undertakings which have their headquarters or management in Denmark.

The Government shall have power to conclude mutual agreements with foreign countries as regards the extent to which the provisions of this Act or the corresponding provisions in force in the foreign country shall apply to undertakings the business of which is also carried on in the other country, and to insured persons who are temporarily employed within the territory of the other country.

CHAPTER II.—*The Workers' Insurance Council.*

8. A Workers' Insurance Council shall be set up to regulate the conditions arising under this Act.

The Workers' Insurance Council shall have its headquarters in Copenhagen but its sphere of operations shall extend over the whole country, and it may be summoned by the President to meet anywhere in Denmark.

9. Within the Council there shall be established a section to deal with matters affecting industry, handicrafts, commerce, conditions in private service, etc. (Chapter 6), a shipping section (Chapter 7), a section for fishing and small shipping (Chapter 8) and an agricultural section (Chapter 9). Each section shall deal with the matters coming under the chapters referred to except that matters affecting accidents sustained by persons employed on a ship used for fishing shall be dealt with by the section for fishing and small shipping, regardless of whether the ship concerned belongs in other respects under the provisions of Chapter 7.

Each section shall consist of the President of the Council and two members, who may have seats in other sections also. These three members shall be nominated by the King ; one of them shall be a medical man and one must satisfy the conditions for appointment as a judge or for becoming an attorney (Sagfører). In addition, each section shall consist of representatives of persons bound to insure and insured persons, chosen by the Ministry of the Interior in accordance with the following rules :—

(a) As members of the section for industry, handicrafts, commerce, etc. (Industrial Section) there shall be chosen two employers and two workers belonging to the occupations coming under §49, together with a representative of persons voluntarily insured under §53. The last-named shall only have a vote on questions affecting voluntary insurance.

(b) As members of the Shipping Section there shall be chosen two representatives of shipowners bound to insure, and two representatives of workers insured under §54.

(c) As members of the section for fishing and small shipping (Fishing Section) there shall be chosen two employers bound to insure, two workers and a representative of persons voluntarily insured under §66. The last-named shall only have a vote on questions affecting voluntary insurance.

(d) As members of the Agricultural Section there shall be chosen two employers bound to insure, engaged in agriculture, forestry or horticulture, who are the owners or tenants of property which is assessed at over 8,000 Kr. for the purposes of the State property tax, two workers in the above-named occupation, together with two representatives of persons voluntarily insured under §73. The last-named shall only have a vote in connection with the consideration of questions affecting voluntary insurance and the insurance of workers on property which is assessed for the purposes of the State property tax at 8,000 Kr. or less.

The right of making nominations for vacant places shall rest—

As regards the choice of the employers' representatives on the Industrial Section, the Shipping Section and the Agricultural Section and of the representatives of owners or tenants of small holdings : with, respectively, the " Danish Employers' and Masters' Association " (Dansk Arbejdsgiver- og Mesterforening), the " Joint Board for Danish Shipping " (Fællesrepræsentationen for dansk Skibsfart), the " Federated Danish Agricultural Associations " (Samvirkende danske Landboforeninger) and the " Federated Danish Smallholders' Associations " (Samvirkende danske Husmandsforeninger) ;

As regards the choice of the representatives of insured persons in the Industrial and Shipping Sections : with the " Federation of Trade Unions of Denmark " (Samvirkende Fagforbund i Danmark) ; in the Fishing Section : with the " Danish Fishery Association " (Dansk Fiskeriforening), which shall make its nominations from amongst wage-earning fishermen ; and in the Agricultural Section : with the " Sick Fund Board " (Sygekassenævnt) (Act No. 10 of 1915, §27) ;

As regards the choice of representatives of voluntarily insured persons in the Fishing Section : with the " Danish Fishery Association " (Dansk Fiskeriforening).

The bodies entitled to make nominations shall propose three persons for each place, from amongst whom the Ministry of the Interior shall choose.

Substitutes shall be chosen for all the representatives in accordance with the rules laid down for the choice of the members.

Where organisations of employers or workers other than those named above request the Ministry to give them the right to make nominations for the choice of representative members on the Workers' Insurance Council, the Minister—after consulting the Council—may, if the organisation making the request is found to represent a sufficiently large number of persons bound to insure or of insured persons, grant it the same right to make nominations to the section of the Council in question as is given to the before-mentioned organisations of employers and workers.

The Inspector of Sick Funds and the Director of the Labour and Factory Inspection Department, or an official belonging to the said Department, may be nominated by the Minister of the Interior to the Council or any of its sections.

10. The President of the Council and the other members shall be appointed for six years. One of the representatives of employers and of workers in the Industrial, Shipping and Agricultural Sections and of owners or tenants of small holdings shall retire every third year ; which of those appointed on the commencement of the Act shall retire after serving for only three years, shall be decided by drawing lots. One of the three representatives in the Fishing Section shall, in like manner, retire every other year. The same rules shall apply to the substitutes.

Appointments of representatives or substitutes which take place in the course of the term of office shall be made only for the remaining part of the said term.

The President shall receive a salary of 6,000 Kr., rising every fourth year by a service increment of 500 Kr. up to 8,000 Kr. The other members and the representatives shall receive an annual honorarium. The substitutes shall receive a daily allowance for each day they attend a meeting. Travelling expenses to and from the place of meeting shall be allowed on a scale approved by the President.

The general regulations respecting the salaries and pensions of officials and their duty to contribute towards survivors' pensions, shall apply to the post of President of the Council, provided that the appointment as President shall carry with it the right to a pension under the Act of 5th January, 1855, even in the case where a President is not reappointed at the conclusion of the period for which the appointment was made.

More detailed provisions respecting the business procedure for each of the sections of the Council shall be included in rules of procedure drawn up by the Minister of the Interior on the proposition of the Council.

11. A secretary and office manager shall be appointed for the Council by the King at a salary of 4,500 Kr. per annum, rising every fourth year by 500 Kr. to 6,000 Kr. In addition, two Heads of Sections shall be appointed by the King at a salary of 4,000 Kr. per annum, rising every fourth year by 500 Kr. to 5,500 Kr., and also an accountant shall likewise be appointed by the King at a salary of 3,200 Kr. per annum, rising every fourth year by 300 Kr. to 4,400 Kr.

Four head clerks shall be appointed by the Minister of the Interior at a salary of 2,400 Kr. per annum, rising every fourth year by 300 Kr. to 3,600 Kr. Two of the head clerks may be allowed the official secretaries' honorarium of 600 Kr. per annum, which shall not be included in calculating pensions.

In calculating the service increments of the secretary and office manager his period of service as head of a section shall be included. In calculating the service increments of the heads of sections, the accountant and the head clerks

half of their periods of service as head clerk and assistant respectively, but not more than four years shall be included.

Seven assistants shall be appointed by the Minister of the Interior at a salary of 1,200 Kr. annually, rising every second year by 200 Kr. to 2,200 Kr. In addition, four assistants may receive pension-giving bonuses of from 300 to 500 Kr. per annum. The number of head clerks and assistants may be altered in the annual Finance Act.

The subordinates appointed by the Council (record-keepers, book-keepers and the messenger) shall each receive a salary of 1,000 Kr. per annum, rising every second year by 100 Kr. to 1,900 Kr. Where subordinates are appointed to be assistants their service as subordinates shall be included in calculating their service increments. Subordinates shall be appointed by the Council with the approval of the Ministry of the Interior.

In calculating the service increments of persons who are appointed to serve the Council on the coming into force of the Act, their service in the position held at that date shall be included; in the case of assistants and subordinates the time spent in the service of the Council shall be included.

Head clerks shall be entitled to pensions under the Pensions Act of 5th January, 1851, and shall make provision for their widows in accordance with the Provision for Widows Act of the same date. Notwithstanding, in calculating the pension a period of service before the age of 25 shall not be taken into account.

Assistants and subordinates shall enjoy pension rights in accordance with the provisions of the same Pensions Act, if after completing their 25th year of age they have served for 10 years, so that the pension-giving period of service shall be reckoned from that date. The pension-giving period of service shall be credited to the person concerned if he is transferred to another position carrying pension rights.

If assistants or subordinates are married 5 per cent. shall be deducted from their salaries to be used for making provision for their widows. A person may be exempted wholly or in part from this deduction, if the Ministry of Finance is satisfied that the widow is assured, in some other manner, of an annual income during her lifetime. If the amount deducted is used for securing a survivor's pension for the widow in the Insurance Institution guaranteed by the State, the said pension shall be secured under the same conditions as apply under the Act of 5th January, 1851, to the survivors' pensions secured by officials for their wives.

The provisions of the Pensions Act of 5th January, 1851, shall apply to the survivors of head clerks, assistants and subordinates, provided that the maintenance of children shall rest with the Minister of Finance.

Periods of service in former positions as head clerk under the Council shall be included in calculating pensions; in the case of assistants and subordinates the period during which they were in the service of the Council before this Act came into force shall be included in calculating pensions, subject to the limits laid down above.

The Council shall engage the necessary medical assistants and any further assistants that may be necessary outside the office staff mentioned above. The expenses incurred by the Council shall be sanctioned in the annual Finance Act.

One of the members of the Council, who shall be appointed by the King, or one of the Council's appointed officials may be appointed by the Minister of the Interior to serve on the Labour Council established by the Act No. 143

of 29th April, 1913,* respecting work in factories, etc., and the public inspection of the same.

No member of the Council, or of the staff in the regular service of the Council shall, for more than one year after the coming into force of this Act, be employed by or take part in the management of any accident insurance company carrying on operations in this country, approved under this Act.

12. The sections of the Council, after having collected all necessary information and given the approved insurance company or employer and other persons concerned the opportunity of acquainting themselves with the information available and of expressing their views on the case, shall, each within its sphere, decide on the following questions:—

- (a) Whether an undertaking or certain conditions of employment come under this Act, and if so;
- (b) Who is to be regarded as the employer bound to insure;
- (c) Whether a person is entitled to enter upon voluntary insurance under this Act;
- (d) Whether a notified case gives ground for a claim under the Act;
- (e) As regards the amount and nature of the benefits due to the insured person or his survivors;
- (f) Doubts concerning daily allowances and fees for medical certificates.

13. The amount fixed by the Council under §12 (e) shall not be later reduced or increased by it, unless within a period of one month (6 weeks or three months under §14) the Council is satisfied that the information on the basis of which the decision was made was seriously inadequate or incorrect.

14. If the Council has failed to observe the prescribed procedure, appeal may be made against the decisions contemplated in §12, to the Minister of the Interior, who may revoke the decision come to, and refer the case back for reconsideration and a fresh decision.

In other cases appeal may be made against the decisions contemplated under (a), (b), (c) and (d), to the Minister of the Interior, whilst no appeal shall lie from the decisions contemplated under (e) and (f).

Appeals may be brought before the courts against the decisions of the Minister of the Interior on the questions contemplated under (a), (b) and (c) of §12. More detailed provisions respecting procedure may be issued by Royal Order, with the object of ensuring the prompt settlement of the cases.

In other cases, no appeal shall lie to the courts against the decisions of the Minister of the Interior or the Council.

The time limit for making an appeal to the Minister of the Interior and for bringing the decisions of the Minister of the Interior before the courts shall be 14 days from the announcement of the decision; notwithstanding, in the case of injured persons or their survivors who are in Europe outside Denmark at the date in question, the time limit shall be 6 weeks; if they are in the Faroe Islands, Iceland or outside Europe, the time limit shall be three months.

15. Where there exists, in an accident insurance policy not coming under this Act, an agreement between the policy holder and an approved insurance company (§18) to the effect that compensation shall be paid in conformity with the Act, and that the parties shall subject themselves to the decisions of the Council, accidents coming under such insurance policy shall be treated as

* Text E.B. VIII., p. 324.

coming under this Act. The Minister of the Interior shall fix an allowance to cover the Council's expenses in this connection.

16. The Council shall send in annually to the Minister of the Interior a report on the work of each of its sections. The report, which shall be printed and presented to Parliament, shall be put on sale at a low price fixed by the Minister of the Interior.

CHAPTER III.—*The Organisation of the Insurance.*

17. The State and the Communes shall not be required to insure their risks under the present Act; the same shall apply to the civil list.

18. It shall be incumbent upon employers bound to insure under this Act, if they are not members of an insurance society (*cf.* §§64 and 66), to cover their risks in a company approved for this purpose by the Minister of the Interior, with mutual liability or with limited liability. Where an approved insurance company has undertaken the risks of an employer bound to insure, the company shall be liable even if the insurance agreement was based upon incorrect estimates of the nature and extent of the risks to be covered by the insurance.

Approval of mutual companies shall be carried with the Minister of the Interior's confirmation of the rules, which shall contain the necessary provisions as regards the observance by the members of the joint obligations incumbent upon them.

The rules of the company shall contain the necessary provisions respecting the form of notice for joining and resigning, the calculation of the insurance premiums, their collection and administration, time limits for giving notice, supervision together with responsible medical treatment, the giving of security, etc.

Approval of limited liability companies shall be granted on conditions laid down in detail by the Minister of the Interior for each separate company.

The fact that a company is approved shall be published in each case by the Minister. Approval may be withdrawn by him, which fact shall likewise be published.

In accordance with the proposal of the Workers' Insurance Council, the Minister of the Interior may exempt an employer coming under the Act from transferring his risks to an approved company, provided that he furnishes security—to be determined in detail by the Minister of the Interior—for the fulfilment of his obligations in the event of accidents. Such exemption may be withdrawn at any time if the Workers' Insurance Council proposes his course to the Minister.

19. An employer coming under this Act who has undertaken to carry out certain work, shall be regarded as the employer also in the case of workers transferred to him for the purpose by the contractor.

If an undertaking is divided amongst several persons, each of the parties shall be regarded as the employer of the workers he pays.

The person who carries on an undertaking or performs work in respect of which insurance is compulsory shall be regarded as the employer of all workers employed in the undertaking or for the work, regardless of whether they are engaged by another person who has undertaken to carry out certain processes forming part of the same, unless the latter has insured his workers himself.

20. Premiums which an employer bound to insure owes to an approved company or an insurance society, may, if not duly paid, be enforced by distraint. In the event of the employer's bankruptcy the claim for premiums

due shall be placed in the same position as the claims contemplated in §33 (2) of the Bankruptcy Act of 25th March, 1872.

21. If an employer fails to fulfil his obligation to insure under this Act an injured person entitled to be insured or his survivors shall have a claim against him under this Act. This shall be a preferential claim against the estate in the same manner as the claims specified in §33 (2) of the Bankruptcy Act of 25th March, 1872, and may be enforced by distraint by order of the Council.

In so far as the persons concerned fail to procure the satisfaction of their claims from the employer or his estate at the time when the insurance benefit falls due (*cf.* §42), the sum missing shall be advanced by the Workers' Insurance Council. The benefit paid in this way by the Council, with whatever is recovered from the employer deducted, shall be apportioned for each calendar year, amongst all recognised insurance companies in proportion to the premiums they receive in respect of compulsory accident insurance and amongst the employers who have procured exemption under §18 from the transference of their risks, in proportion to an amount of premiums, calculated in the discretion of the Council, corresponding to the said employers' risks under the Act, and in return the rights under the first paragraph of this Section shall be transferred to the said companies and employers. More detailed regulation for this apportionment shall be drawn up by the Minister of the Interior on the proposition of the Council.

CHAPTER IV.—*Insurance Claims.*

22. The benefits under this Act, in addition to medical treatment, etc. in certain circumstances, shall consist of :

- (a) daily compensation ;
- (b) invalidity compensation ;
- (c) compensation for survivors ;
- (d) funeral allowance.

23. It shall be incumbent upon the insurance company (employer) to provide bandages, artificial limbs, spectacles and similar aids to recovery which, while the case is being dealt with by the Council, seem to the Council to be necessary in order to ensure the success of the medical treatment and to diminish the effects of the accident or to define more exactly the degree of invalidity.

Where the injured person is a member of a sick fund approved by the State, and lives in Denmark, it shall, in addition, be incumbent upon the company (employer) to defray the expenses of *special medical treatment*, which it is not incumbent upon the sick fund to provide under its rules, and which the Council considers necessary in order to secure the best possible cure.

Assistance granted to the injured person from public monies whilst the case is being dealt with by the Council, for the purposes of medical treatment in connection with an accident coming under this Act, shall not have the effect of poor relief upon the person assisted.

24. The right to *daily compensation* shall depend upon the diminution of earning capacity.

Such diminution shall be held to obtain for so long as the injured person is, as a result of the injury, not in a position to resume his work to essentially the same extent as formerly.

Daily compensation shall not be granted to the employer's children living with him, if the injured person meets with the accident before he has completed his 14th year of age.

During the time when an injured person is performing his military service, his claim to daily compensation shall lapse. If, in the meantime, there are any persons who would be entitled to full compensation in the event of his death (§35), such persons shall have a claim to the daily compensation which he would otherwise receive.

The same shall apply in respect of the time during which an injured person is in prison.

25. Where the injured person is a member of a sick fund approved by the State, the daily compensation shall begin to run from the date when the money benefit from the sick fund ceases, but not later than from the beginning of the fourteenth week after the accident occurred. If the injured person is not a member of a sick fund approved by the State, the daily compensation shall run from the beginning of the fourteenth week.

26. The daily compensation shall amount to two-thirds of the injured person's daily wage (*cf.* §41), but shall not exceed 3 Kr. or be less than 1 Kr. a day. Daily compensation shall be paid in respect of seven days in each week.

Partial daily compensation shall not be granted.

27. If the accident results in only temporary diminution of earning capacity, the daily compensation shall cease as soon as the conditions for receiving the same, laid down in §24, cease to exist.

If the accident results in permanent diminution of earning capacity, the daily compensation shall continue to run under the conditions laid down in §24, until the Workers' Insurance Council's decision on the question of invalidity is issued.

If the accident results in death, the daily compensation shall run under the same conditions until the day of the death.

In no case (except that contemplated in §34, second paragraph) shall daily compensation continue for longer than until the anniversary of the accident.

28. As far as possible the daily compensation shall be paid to the injured person every Friday for the preceding seven days, and for the first time on the first Friday after the day on which the right to daily compensation began.

29. At the time when the right to daily compensation can begin, the injured person shall send in to the approved insurance company concerned (insurance society) or the employer, if the Minister of the Interior has exempted him from transferring his risks to an insurance company (insurance society), a medical certificate shewing whether the conditions for establishing a right to daily compensation are present. This medical certificate shall be paid for by the insurance company (employer).

The insurance company shall have the right to require a fresh medical certificate to be furnished every week, provided that it pays the fee fixed for such medical certificates.

30. It shall be incumbent upon the insurance company (employer) concerned, to inform the Council of the time during which and the amount to which daily compensation has been paid out in each separate case.

31. If the employer pays the injured person full wages although his earning capacity is essentially diminished, he shall have the right to receive for the period in question, the injured person's daily compensation. If the daily compensation exceeds the wages, the worker shall have a claim to the amount in excess.

32. *Invalidity compensation* shall be granted where an accident coming under this Act results in a permanent diminution of earning capacity of 5% or more, and the compensation shall be reckoned as such percentage of the following basic amounts as corresponds to the diminution :

<i>Invalidity.</i>	<i>Basic amount.</i>
From 5 to 15%	5 times the yearly wages.
„ 16 „ 35%	5 times the yearly wages for the first 15% and 10 times for the rest.
„ 36 „ 60%	6 times the yearly wages for the first 30% and 10 times for the rest.
„ 61 „ 90%	8 times the yearly wages for the first 60% and 12 times for the rest.
„ 91 „ 100%	8 times for the yearly wages for the first 60%, 12 times for the next 30%, and 16 times for the last 10%.

In determining the degree of invalidity the Council shall, to the extent that seems reasonable, take into account the special skill required in the usual occupation of the person concerned, and any diminution of earning capacity having previously arisen, which may be held to accentuate the results of the accident taken together with the defects caused by the earlier accident.

33. The compensation which would be payable under §32 to an injured person, shall, notwithstanding, not exceed the amount which he could buy—in accordance with the scales in force for acquiring life annuities in the State Life Insurance Institution—in the said Institution, a life annuity corresponding to the percentage of the yearly earnings (§41), which the invalidity percentage produces.

34. When one year has expired since the accident, without its being yet possible to determine its final results, a decision shall be made, as far as possible, by the Council, which shall then determine the amount of the compensation on the best possible estimate of the results of the accident. If it is not possible to come to a final decision on such an estimate, the Council may issue a provisional decision, after which the case may be re-opened, but not more than two years after the first decision.

If special circumstances make this expedient, the Council may postpone the decision, but not for more than 1½ years after the accident occurred, and the daily compensation shall then be continued until this decision is issued, provided that the conditions contemplated in §24 are still present.

35. If death results from the accident the *survivors* named below shall be given a lump sum corresponding to five times the deceased person's yearly wages reckoned in accordance with §41, but not less than 3,000 Kr., and not more than 6,000 Kr.

36. The following rules shall apply as regards the survivors' claims to compensation :

(a) If the deceased person leaves a husband or wife, and if the deceased person is a man the compensation shall be payable to the widow unless the marriage was contracted after the accident occurred, or the couple were living apart when the accident occurred, and the man was not granting maintenance to the wife, and the latter had no legal claim to the same or there was before the accident desertion on the part of the wife.

If the deceased person is a woman, who contributed regularly and to an essential extent to the family earnings, the same rules shall apply with reference to the surviving husband.

(b) If in addition to a husband or wife entitled to compensation, any children are left whom the deceased person was bound to support, or whom he was actually supporting, when the accident occurred, or illegitimate children to whose support the deceased actually contributed, the Council may, if the circumstances so require, provide that part of the compensation shall accrue to these children.

(c) If the deceased person leaves no husband or wife entitled to compensation, the compensation shall accrue to the children whom the deceased person was bound to support, or whom he was actually supporting when the accident occurred, or to whom the provisions of §9 of the Order of 21st May, 1845, apply. If the deceased person has contributed towards the maintenance of children whom he was not bound to support, the Council may allocate to them such part of the amount which would have accrued to them in the event of total dependency, as corresponds to the amount of the said contribution.

(d) If the deceased person leaves no survivors entitled to compensation in accordance with the above provisions, or if the compensation under (c) is only partially used, the Council shall decide whether the compensation or the remaining part of the same shall be allocated wholly or in part to other persons whom the deceased person supported or to whose support he was contributing when the accident occurred.

(e) If the deceased person leaves several persons entitled to compensation, the Council shall determine how the sum payable shall be distributed amongst them.

37. The survivors shall only have a claim under the above provisions if they are either Danish subjects or are resident in Denmark, in Iceland, Greenland or the Danish West Indian Islands. Notwithstanding, the Government may allow exceptions to this rule in favour of the survivors of the subjects of other States or parts of States, in so far as a mutual agreement is come to between the States concerned.

38. In so far as the employer is not required under any other Act to defray the funeral expenses, the survivors or other private persons who have paid for the deceased person's burial (cremation) shall be given an allowance of 120, 100 or 80 Kr. respectively according to whether the burial (cremation) takes place in Copenhagen and Frederiksberg, or in a market town or in the country.

39. If the Workers' Insurance Council, with reference to an accident notified to the Council, has announced to the parties that it must be held to be without consequences entitling to compensation under §32, a claim in respect of the same shall not be raised more than one year after the date of the announcement.

Where a decision respecting an accident notified to the Council cannot be come to for reasons arising from the conduct of the person entitled to compensation, the claim shall lapse when three years have expired since the day of the accident.

40. If the State grants the injured person or the survivors a pension or any other annual maintenance as compensation for the consequences of an accident, such person or persons shall only have a claim to the amount in excess thereof. The Council shall decide whether and how large an amount in excess is due. The same shall apply in the case of insured persons employed by Communes, the governing bodies of which have drawn up rules respecting pensions or maintenance approved by the Minister of the Interior after procuring an opinion from the Council.

If, in addition, a pension or maintenance provided by the employer or other benefits from the employer accrue, in respect of an accident, to the injured person or the survivors under any Danish or foreign law or agreement, the employer shall have the right, in accordance with the more detailed regulations of the Workers' Insurance Council, to receive the compensation under the Act, wholly or in part, due consideration being given to the estimated value of the benefits in question to the injured person or the survivors in comparison with what he or they are entitled to claim under the present Act.

The provisions of this Section shall not apply to voluntary insurance entered into under this Act.

Accidents which form the grounds for claims under the compulsory insurance provided by this Act, shall not be made the grounds for claims under the provisions respecting voluntary insurance.

41. In the case of insured persons other than those named in the 3rd and 4th paragraphs of this Section, the yearly wages shall be held to be the total amount earned by the person concerned in work during the course of the year preceding the day of the accident, including any shares in profits, the use of a house, rent allowance, payments in kind, etc. If he has not been employed during the whole of the said period in the same position or with the same wages for the usual hours of work in the undertaking in question, if he has been out of work, or if he has been employed in an undertaking which from its nature, does not carry on operations all the year round, his yearly earnings shall be estimated by the Council.

After procuring opinions from the organisations of employers and workers which have the right of nomination to the Industrial and Agricultural Section under §9, the Minister of the Interior shall determine the values of board and lodging for workers (servants, apprentices, etc.) who live with the employer, in which determinations a distinction may be made between Copenhagen and Frederiksberg, market towns and the country.

Where an insured person has received no wages, or where his yearly wages are less than 600 Kr., the calculation shall be effected on the basis of the amount.

In the case of persons who have entered into voluntary insurance under the provisions of §53, compensation shall be calculated on the basis of yearly earnings of 900 Kr.; and in the case of persons who have entered into voluntary insurance under §§66 or 73, on the basis of yearly earnings of 800 Kr.

In calculating invalidity compensation (§32) the yearly wages shall in cases be taken to be more than 1,200 Kr.

Daily wages shall be ascertained by dividing by 300 the yearly earnings calculated in accordance with the above rules. In the case of persons under 18 they shall be calculated on the basis of the yearly wage actually earned whether this has reached 600 Kr. or not.

42. The Council shall inform the insurance company (employer) concerned of the amount of the compensation for permanent incapacity for work or death, which it has awarded to the injured person or the survivors. The compensation shall be paid to the Council as soon as possible, and at latest within 14 days of the notification. If on account of an appeal or for any other reason, payment is not made until after that term, interest at the rate of 5% per annum on the compensation from the date of the notification shall be paid at the same time as the compensation.

It shall be incumbent upon the chiefs of police (politimester) outside Copenhagen to assist the Council in paying out sums due as compensation.

Daily compensation shall be paid out direct to the persons concerned, unless the Council, where the circumstances make this desirable, provides that the daily compensation shall be paid over to it to be handed over afterwards to the injured person. The Council may in such case also pay the daily compensation to the injured person in accordance with the rules issued and thereafter collect the sum paid out from the insurance company (employer).

Funeral allowances shall be paid direct to the survivors or the private persons who have defrayed the expenses of the deceased person's burial (cremation).

43. The sums due to persons under age shall be devoted to their benefit in whatever manner the Council may order. The same shall apply, where the Council, in view of the invalid's condition, is of opinion that it is inadvisable to pay it out in cash.

If the circumstances make this advisable, and especially if it is recommended by the Commune in which the person concerned is domiciled for the purposes of relief, the Council may order that the compensation shall be converted into a life annuity, or may issue other special orders with respect to its disposal. A life annuity shall be given as a rule if the degree of invalidity is more than 70% and the person concerned is over 50 years of age.

The Council may instruct the insurance company (employer) concerned to pay the injured person or the survivors an advance in respect of the compensation, if the payment of the compensation is delayed for some reason or other.

CHAPTER V.—*Notification of Accidents.*

44. Every accident which may be expected to give rise to a claim under this Act shall be notified to the Council as soon as possible, and at latest within eight days (*cf.*, however, §61). If the accident results in death, even if the accident has been already notified to the Council, an announcement of the death shall be sent to the Council within 48 hours of the death. The duty of giving notice shall rest with the occupier of the undertaking or the person who is managing the undertaking on his behalf, at the time of the accident; or, if the injured person had insured himself, with him or his survivors. If the accident is met with abroad, the notice shall be given, within the said time limit, to a Danish Consul, who shall send it immediately to the Council. The notice shall state as accurately as possible:

(1) the cause of the accident and details of the circumstances in which it occurred;

(2) the state of the injured person, and the time that elapsed from the occurrence of the accident until the first medical treatment;

(3) the place where the injured person is being treated, and by what medical man;

(4) whether the injured person is a member of a sick fund approved by the State, and, if so, of which;

(5) whether the injured person is insured, and, if so, in what company.

The notice shall be accompanied by the certificate of the medical man attending the case, for which the insurance company (employer, §18, last paragraph) shall pay.

The Council shall prescribe the form which shall be used for the notice and for the medical certificate necessary for dealing with the case.

45. If the employer or the person whose duty it is to give notice in his stead fails to give notice as prescribed, this shall not prevent the injured

person or his survivors from making a claim for compensation, provided this is done within the course of one year after the day on which the accident occurred.

46. The Minister of the Interior shall determine, on the proposition of the Council, the fees for the medical certificates generally used in dealing with the cases.

The medical certificate which is necessary to elucidate a case brought before the Council, and which is desired by the Council, by the employer, or by the insurance company, shall be paid for by the company concerned; or where the insurance is not effected through an approved insurance company, by the employer.

47. The Council shall have the right to require employers, workers, and other parties concerned, including sick funds, clinics, hospitals, medical men in attendance, etc., to furnish any information in connection with the accident, and also to require the injured person to submit himself to medical examinations and to require evidence to be taken and a report of the same to be made, and to require post-mortem examinations to be undertaken. These shall be carried out in accordance with the rules for lawful post-mortem examinations. The Council shall defray the expenses of the post-mortem examinations which it requires.

48. If an injured person wishes to make a claim for benefits under this Act, he must arrange as soon as possible to be examined by a medical man, and thereafter submit to the medical treatment which is found necessary. If this is not done, or if the injured person hinders his cure by disobeying the doctor's orders, he shall forfeit his claim wholly or in part, according to circumstances.

In like manner, the survivors may forfeit their claims if they obstruct a post-mortem examination desired by the Council.

The insurance company (employer) shall have the right, at its own expense, to have the injured person examined by a medical man.

CHAPTER VI.—*Industry, Handicrafts, Commerce, Conditions in Private Service, etc.*

49. Any person who, in Denmark, carries on an undertaking, whether for purposes of gain or not, or who employs others in his service—*e.g.*, workers, officials, office or shop employees, servants, etc.—shall be bound to insure the workers employed by him in accordance with the provisions of Chapters 1 to 5 and of this chapter, in so far as this duty is not laid upon him under Chapters 7, 8, or 9, or unless he is exempted from such duty under those chapters. Persons who, without employing workers entitled to be insured under any other provisions of this Act, employ assistance only of an occasional and quite temporary nature in their households or on personal service, shall not be bound to insure in respect of such assistance.

50. Every person who is engaged, for wages or as an unpaid assistant, on permanent or temporary work, including work in the employer's personal household in washing, cleaning, or private service for himself and his family, shall be insured under the provisions of this chapter. Notwithstanding, persons exercising supervision, office employees, etc., whose annual remuneration in the undertaking exceeds 3,000 kr., as well as the casual assistance mentioned in §49, shall be excepted.

51. The insurance contemplated in the preceding Section shall apply likewise to members of the employer's family—except the wife—in so far as in view of the nature and scope of their functions in the employer's business,

carried on for purposes of gain, they may be regarded as being in the same position as other workers, and provided they have completed their tenth year of age.

52. As regards the workers insured under §49, the insurance shall apply during the performance of every kind of work for the employer.

53. An employer coming under §49, as well as every person who, without employing assistants entitled to be insured, carries on business for purposes of gain which comes under this chapter, shall have the right to enter upon voluntary insurance, carrying a State subsidy in an approved insurance company, in his own interests, provided that his yearly income, as estimated for the purposes of income tax to the State, is less than 1,200 Kr. in the country, 1,500 Kr. in market towns, and 1,800 Kr. in Copenhagen and Frederiksberg. In connection herewith he may enter into an insurance for his wife, if she takes part to an essential extent in her husband's business. The persons concerned shall then be insured, in accordance with the provisions of this Act, against the consequences of accidents which they meet with when carrying on their business.

An insurance entered into under the provisions of this Section shall remain in operation even if, after the insurance has commenced, the insured person's income rises above the stated amount ; but the State bonus shall cease.

CHAPTER VII.—*Shipping.*

54. The owners of ships registered in conformity with the provisions of the Shipping Act of 1st April, 1892, and the Ships Registration Act of the same date or which may hereafter be registered in the Danish Shipping Register, shall be bound, in accordance with the provisions of Chapters 1 to 5 and of this Chapter, to insure their crews as well as persons who may be taken on in an inland harbour or in the Danish Customs District for temporary work on or about the ship or vessel.

The owner's duty to insure shall not be affected by the question whether the persons concerned are engaged by the owner or master of the ship, or by other persons (as, for instance, in the case of bakers, cooks, waiters, barbers, steward's assistants, book-keepers, medical officers, sick nurses, etc.).

In the case of ships of under 300 registered tons, the compulsory insurance shall cover the master, even if he himself owns the ship wholly or in part.

Notwithstanding, any person whose money remuneration in the service of the ship exceeds 2,700 Kr. a year shall be excluded from the insurance.

55. In the case of persons insured under §54, the right to be insured shall continue in the case where a person is sent home under §§66 and 98 of the Shipping Act of 1st April, 1892.

56. The insurance shall apply to all employment in the undertaking for which the ship or vessel is used, including work on or about the ship, loading and unloading of the ship's cargo and both bringing it to land and on board ; conveyance to and from the ship, as well as getting on board and landing ; work at sea in saving human life or in salving goods ; expeditions on land on errands for the ship as well as navigation in the vessel outside the actual undertaking.

57. If the medical certificate contemplated in §29 cannot be furnished, the right to *daily compensation* must be established in some other manner held to be satisfactory by the Workers' Insurance Council.

58. If an injured person is treated and nursed abroad under the guarantee of a Danish Consul for payment, the daily compensation shall be paid to the Consul concerned, who shall deduct therefrom the expenses of treatment and nursing and pay any surplus to the injured person.

59. If the employer on his own account provides treatment and nursing for the injured person abroad, he shall have the right to receive for the period in question the daily compensation due to the injured person from the insurance society (§64); notwithstanding, the amount, if any, by which the daily compensation exceeds the expenses of treatment and nursing shall be paid over to the injured person.

60. The Minister of the Interior shall, after procuring an opinion from the Joint Board for Danish Shipping, fix the value of board and lodging on board (*cf.* §41) for the crews of steamships and sailing ships respectively.

61. If an accident occurs outside a harbour or anchorage, the time limit for giving notice fixed in §44 shall be reckoned from the time when the ship comes into connection with the land. If the accident occurs in a foreign harbour where there is a Danish Consul, or if the ship or crew comes first after the accident to such a harbour, the notice shall be given to the Consul.

62. It shall be incumbent upon the ship's master or the person who is in command of the ship on his behalf to enter in the ship's log *the date when* a person belonging to the crew becomes incapacitated for work and *the date when* he again becomes capable of work. The ship's master shall provide the necessary medical treatment.

63. If a maritime declaration or maritime inquiry is made in connection with an accident which has occurred to any member of the crew on a Danish ship, a copy of the declaration or results of the inquiry shall be presented to the Workers' Insurance Council.

If there is a Danish Consul in a foreign harbour where the accident occurs or to which the ship or the crew goes first after the accident has occurred, a maritime declaration shall be made, not only if this is necessary in order to comply with the requirements of the Shipping Act, but also if the Consul considers that special circumstances so require. In so far as a maritime declaration is not necessary, the Consul shall make an inquiry or declaration without putting the witnesses on oath. If necessary, he may entrust this duty to a competent person acting on his behalf. A copy of the maritime declaration, the declaration or the results of the inquiry, shall be presented to the Workers' Insurance Council, which shall defray the expenses of the same.

If there is no Danish Consul in a foreign harbour where the accident occurs or to which the ship or crew go first after the accident has occurred, and a maritime declaration is not required by the Shipping Act, the ship's master shall, if the voyage will not be delayed thereby, arrange for an inquiry to be undertaken, or a declaration made, in order to elucidate the circumstances of the accident, by the authority competent for this purpose in the place, or by a person authorised for the purpose by the nearest Consul. A copy of the results of the inquiry or the declaration shall be sent to the nearest Consul, or, if the case would thereby be delayed unnecessarily, direct to the Council. The expenses thus involved shall be defrayed by the Council.

Danish Vice-Consuls shall also be included under the title "Consul" in the above Sections.

64. Owners who are bound to insure shall, as such, be members of a mutual liability insurance society which shall be established to undertake the risks to which the ships and vessels named in §54 are liable under this Act.

Membership shall begin from the time when the person concerned becomes the owner of a ship contemplated above.

The society shall have a lien for the members' premiums, on the ship and the freight, in accordance with §268 (2) of the Shipping Act.

The rules of the insurance society shall be confirmed by the Minister of the Interior. The rules shall contain provisions respecting the members' duty to notify their entry into the society, the payment of insurance premiums by members, supervision together with responsible medical treatment, etc.

65. In every ship coming under this chapter there shall be posted up in a place accessible to the whole crew an abstract of this Act, containing its provisions respecting the rights and duties of the crew. This abstract shall be drawn up by the Minister of the Interior; an English translation shall be attached to it. Printed copies of the abstract shall be supplied free by the muster authorities.

On every such ship the master shall be in possession of at least one bound copy of the Act. Every member of the crew shall have the right to require this copy to be lent to him for perusal.

CHAPTER VIII.—*Fishing and Small Shipping.*

66. Every owner or charterer of a Danish ship, vessel, etc., of a gross tonnage of at least 4 registered tons and whose owner is not bound to insure under Chapter 7, shall be bound to insure under this Chapter to the same extent and in accordance with the same rules as in the case of the owners contemplated in §54. The owners or charterers shall, at the same time as they enter into the position involving the obligation to insure under this Chapter and for so long as they remain in that position, be members of the Insurance Society for Danish Fishermen and Seamen, which shall be established to undertake the risks arising from their own insurance or that of the persons they employ.

Any person living in Denmark, who—without being bound to insure under §54 or the first paragraph of this Section—supports himself in this country, wholly or partly by means of fishing, shipping, boating, ferrying, lighterage, towing, dredging for stones, sand-digging carried out in the water, the raising of wreckage from the bottom of the sea, piloting, sailing as a coast pilot outside pilot water or as an employee on a pleasure yacht, in diving and salvage work, ice-cutting, worm-digging, baiting, cleaning, packing, and smoking of the catch, in transporting the catch or bait to or from the railway, at work in connection therewith on the railway, or on other work similar to the profitable businesses named, shall have the right to be admitted a member of the Insurance Society for Danish Fishermen and Seamen, whereupon he shall be insured in accordance with the provisions of Chapters 1-5 and of the present chapter.

The insurance contemplated in the preceding paragraph may likewise be entered into in such a way as to cover also the husband or wife or children of the person concerned, if they take part in the undertaking in question.

67. The rules of the Insurance Society for Danish Fishermen and Seamen shall be drafted by the governing bodies of the Accident Insurance Association for Danish Fishermen (Ulykkesforsikringsforening for danske Fiskere), established by the Act No. 71 of 3rd April, 1900, with the addition of three fishing representatives from the Section for Fishing and Small Shipping of the Workers' Insurance Council, together with the shipping representatives of the Shipping Section of the Council. They shall be confirmed by the Minister of the Interior after procuring an opinion from the Workers' Insurance Council.

CHAPTER IX—*Agriculture, Forestry, Horticulture, etc.*

68. Employers, both individuals and companies, carrying on :

(1) Agriculture, forestry, and horticulture ;
 (2) Trade in horses and cattle, studs, dairies, turf-cutting, reed cutting, marl works, threshing works, straw-pressing, pond cultivation, wind and water mills ;

(3) Supervision, advisory work, etc., in connection with undertakings of the kinds named above—shall be bound to insure in accordance with the provisions of Chapters 1-5 and of the present chapter, in respect of the workers employed in the said undertakings.

On the proposition of the Workers' Insurance Council, the Minister of the Interior may, by Notification, include under this chapter undertakings which can be regarded as similar to those named above.

69. The obligation to insure shall apply likewise in respect of workers in undertakings carried on as an extra source of profit subsidiary to the concerns coming under §68, such as brickworks, gravel and marl pits, driving, stonebreaking, sawmills, trade in horses and cattle, etc.

70. Horticulture, under this Act, shall mean horticulture carried on as a business (including ornamental gardening), as well as work in parks, ornamental and other gardens, belonging to the State or commune, or in connection with agriculture and forestry, and in private gardens of at least one hectare in size.

71. The compulsory insurance shall apply to every person who is engaged for wages or by the job or as an unpaid assistant, in Denmark, to work permanently or temporarily in the undertakings coming under the present chapter, and also to persons supervising the undertakings named in §§68 and 69 provided that their money remuneration does not exceed 2,000 Kr. per annum. The insurance shall apply likewise to members of the employer's family—except the wife—in so far as, in view of the nature and scope of their functions in the undertaking, they may be held to be in the same position as other workers, in so far as necessary maintenance for life (*Aftægt*) is not properly secured to them on the property on which they are employed, by a rent charge on the property, or in some other proper way.

72. The insurance shall apply in respect of the carrying out of all work in the undertakings named in the present chapter, including driving, everywhere carried on outside the scope of the undertaking, work on railways for the business, work on roads, rivers and waterways, the repairing of buildings, etc., done in the interests of the business, or which is incumbent upon the owner, as well as work in the employer's private household—unless this is entirely separated from the business, in which case §50 shall apply—and in the personal service of the employer and his family.

73. The owners or tenants, occupiers of land on which agriculture, horticulture, or forestry is carried on for profit, and which is assessed for the purposes of property tax to the State at 8,000 Kr. or less, may enter into voluntary insurance for themselves and their wives in accordance with the provisions of §§1-5 and the present chapter of this Act, in respect of accidents met with when working for their own agriculture, forestry, or horticulture, regardless of the size of the undertaking.

CHAPTER X.—*State Subsidy.*

74. The State shall grant to approved insurance companies, in accordance with duly authenticated accounts, a subsidy towards the reduction of premiums for persons entering upon the insurance who carry on a business coming

under the provisions of the sixth and ninth chapters, and who prove that their yearly income, as estimated for the purposes of income tax to the State, is less than 1,200 Kr. in the country, 1,500 Kr. in market towns, and 1,800 Kr. in Copenhagen and Frederiksberg, and who, in the case of businesses coming under the ninth chapter, prove that the land used by them is assessed at not more than 8,000 Kr. The subsidy shall be devoted to the insurance of the persons in question, both of their workers and of themselves and their wives, under §§53 and 73. The State subsidy, which shall be used exclusively for reducing the premiums of these members, shall amount to two-fifths of the premium which they would have been bound to pay without such subsidy.

The State shall, in addition, reimburse to the approved insurance companies (societies), in accordance with duly authenticated accounts, one-half of the amount of compensation which they have paid out under this Act :

(a) to persons insured under Chapter 7, who are employed by the owners or charterers of ships, which—apart from motor engines for an auxiliary screw—are moved exclusively by sail and are not used for yachting ;

(b) to persons insured under Chapter 8.

Notwithstanding, in the cases contemplated under (a) and (b), the State subsidy shall be conditional upon the income limit named in the first paragraph of this Section not being exceeded. If this is exceeded the insurance shall continue to be valid, but the State subsidy shall cease. The insured person shall be bound to inform the insurance society of the fact directly he declares to the taxing authorities a taxable income, or the said authorities assess his income for the purposes of taxation, at an amount in excess of the sum named above.

The State subsidy shall be used exclusively for the reduction of the compulsory or voluntary premiums of the insured persons named above.

The State shall reimburse to every approved insurance company or insurance society compensation paid in respect of accidents sustained in attempting to save human life (*cf.* §3).

CHAPTER XI.—*Concluding Provisions and Penalties.*

75. All documents concerning insurance under this Act shall be free of stamp duty.

76. Approved insurance companies shall send to persons bound to insure, at the same time as the receipts for premiums paid, an insurance certificate approved by the Minister of the Interior, on which shall be printed the company's name and which shall contain a statement respecting the length of time for which the insurance effected will hold good. This certificate shall, in all undertakings employing more than three workers, be posted up in the workplace in a conspicuous place easily accessible to all the workers concerned. In all other cases the person bound to insure shall keep the insurance certificate while the insurance is in operation and shall produce it to the insured persons on demand.

It shall be the duty of the inspecting staff appointed under the Factory Act of 20th April, 1913,* including the communal inspectors, to see that there is a proper insurance certificate in the concerns under their inspection. If there are any deficiencies the inspector shall report the matter to the chief of police in the place. In the case of other undertakings, the inspection in question shall be carried out by the police.

Other arrangements for supervising the persons bound to insure may be adopted by Royal Order after an opinion has been procured from the Workers'

* Text E.B. VIII., p. 324.

Insurance Council. In this connection, other State and communal authorities may be required to co-operate.

77. An employer who fails to carry out his duty to enter upon insurance in an approved company or who fails to keep the insurance in operation shall be liable to a fine of from 50 to 500 Kr.

An employer or a person acting on his behalf who fails to give due notice under §§44 and 61 respecting an accident that has occurred or who prevents medical treatment being given in due time under §48, and also who fails to furnish the information contemplated under §47, shall be liable to a fine of from 15 to 200 Kr.

The cases shall be treated as public police cases.

78. This Act shall come into force on 1st April, 1917; notwithstanding the Minister of the Interior may bring the provisions of §11 into operation at an earlier date. From the coming into force of the Act, the following Act shall be repealed (*cf.* however, as regards the Faroe Islands, §80):

The Act No. 4 of 7th January, 1898, respecting the insurance of workers against the consequences of accidents in certain undertakings;

The Act No. 71 of 3rd April, 1900, respecting the accident insurance of Danish fishermen;

The Act No. 114 of 15th May, 1903, to supplement the Act No. 4 of 7th January, 1898;

The Act No. 54 of 1st April, 1905, respecting the insurance of seamen against the consequences of accidents in shipping enterprises;

The Act No. 65 of 30th March, 1906,* to extend the Act No. 71 of 3rd April, 1900, so as to include other shipping enterprises, etc.;

The Act No. 151 of 27th May, 1908,† respecting insurance against the consequences of accidents, in agriculture, forestry, horticulture, etc.;

The Act No. 267 of 1st December, 1913, to amend the Act No. 4 of 7th January, 1898; and

The provisions in the two last paragraphs of §29*f.* of the Act No. 167 of 27th May, 1908, respecting the regulation of the State railways.

Even where an employer who has entered into insurance with an approved insurance company under the Insurance Acts named above, covers his risk under the present Act by entering into insurance in another approved company or insurance society, the insurance agreement concluded, before this Act came into force, with the first-named company shall remain in force until it expires, and without the duties and rights of either party being altered, unless another arrangement is made by voluntary agreement. Disputes which may arise in this connection shall be decided upon by the Workers' Insurance Council subject to the rules contained in this Act for appeals to the Minister of the Interior.

Cases which are in course of being dealt with, when the Act comes into force, by the different sections of the then Workers' Insurance Council, shall be finished by the corresponding sections of the Council established by this Act.

79. Until other provisions are issued under §46, the fees for general medical certificates presented by the Minister of the Interior's Circular of 30th June, 1903, shall hold good.

80. The Government shall have power to bring this Act into force, by Royal Order, in the Faroe Islands, with alterations necessitated by the special circumstances prevailing on those Islands.

* Text E.B. II., p. 370.

† Text E.B. III., p. 342.

Until this is done, the Act of 1st April, 1905, shall apply to seamen employed by shipowners of the Faroe Islands, and the Acts of 3rd April, 1900, and 30th March, 1906, to fishermen of the Faroe Islands, provided that, as regards risks and accounts, these shall form a special section of the Insurance Society for Fishermen and Seamen.

II. Japan

1. *Kojoho-sekorei.*

Order in pursuance of the Factory Act. Dated 2nd August, 1916.

CHAPTER I.—General Provisions.

1. The Factory Act* shall not apply to undertakings carrying on exclusively the trades mentioned below, except as regards undertakings which use the machines driven by mechanical power which shall be specified by the Minister for Agriculture and Trade :

The making of cakes, barley syrup (*ame*) and bread.

The making of gelatine, *kogorikonnyaku* (a foodstuff made from the root of *conophollus konjak*), frozen *tofu* (a kind of bean jelly), *yuba* (a kind of bean jelly), vermicelli or *fu* (a substance made from flour and water).

The making of pure rice-wine (*sake*), impure rice-wine, white rice-wine, sweet rice-wine (*mirin*), brandy, vinegar, soy (*shoyu*) and *miso* (bean curds).

The making of travelling-baskets, curtains, baskets, Japanese screen-frames, and other articles made by hand out of willow-rods, wistaria, bamboo, reeds, chip, any other creepers, stalks and straw.

The making of articles from plaited straw and wood.

The making of hats from formosa grass (*atan*) and panama-grass as well as from other materials of the same nature, and the making of other articles out of the said materials.

The making of shutting and fixed fans, Japanese umbrellas and lanterns.

The making of toys or artificial flowers, consisting chiefly of paper, thread, cotton-wool, bamboo or woven materials.

The making of cardboard-boxes and cardboard models (*katagami*), as well as the paper-twines known as *motoyui* and *mizuhiki*.†

The making of clothes, socks and other articles out of woven materials.

The making of passementerie goods with the hand alone.

Needlework, the making of lace, button-lace and drawn-work.

2. The Factory Act shall not apply to undertakings to which the Mines Act applies.

3. The undertakings contemplated in §1, paragraph 1, No. (2), of the Factory Act shall include factories in which the trades mentioned below are carried on :

The making of poisonous substances or poisonous chemicals.

The stuffing and preparation of animals.

* Dated 28th March, 1911; Text E.B. VI. p. 267.

† Women use the former for tying their hair; the latter is used for tying up little parcels.—ED.

The smelting or refining of metals.

The making of measuring appliances in which mercury is used.

The making of matches.

The making of gunpowder, explosives or fireworks; the handling of the said articles.

The making of paints or pigments.

The making of ether.

The making of indiarubber articles with the use of solvents.

The refining of oils and fats, the production of oils and fats with the use of solvents.

The making of boiler-oil.

The distilling or refining of mineral oil.

The making of imitation leather from paper pulp or of water-proof paper materials with the use of dried oil or a solvent.

Industries in which sulphurous gases, chlorine, or hydrogen are used.

The drying or polishing of metals, bones, horns or shells.

The making, etching, frosting or grinding of glass.

The napping of woven goods or hosiery.

The making of cotton-wool.

Hemp-combing.

Every other trade which may be specified by Order of the Minister for Agriculture and Trade.

CHAPTER 2.—*The Assistance of Workers and of the Dependants of Deceased Workers.*

4. Where a worker falls ill, is injured or killed in consequence of his work, the employer shall—except in the case of negligence or deliberate intention on the part of the worker, to which special provisions apply—pay compensation to the person concerned in accordance with the provisions of this chapter. Notwithstanding, if the person entitled to compensation has drawn compensation for the same reason under the Civil Code, the employer shall only be required to pay the compensation reduced by the amount of the said compensation.

In the absence of any regulations to the contrary, the fact that the worker leaves the employment shall not release the employer from his obligation to pay the compensation contemplated in the preceding paragraph.

5. Where a worker is injured or falls ill, the employer shall provide the necessary treatment at his own cost or undertake the absolutely necessary expenses of such treatment.

6. If the worker is drawing no wages, because he is incapable of work, being in need of treatment, the employer shall be bound, during the whole time that the worker is unable to work, as a result of his need of treatment, to pay him compensation amounting to more than one-half of the daily wage. Notwithstanding, when the compensation has been paid for more than three months it may be reduced, at the conclusion of the said period, to one-third of the daily wage.

7. The employer shall pay compensation in accordance with the following scale, when the injury or illness of the worker is cured, but he is left with physical infirmities coming under one of the following classes :

(1) A person who, for the rest of his life, is incapable of looking after his bodily necessities himself—compensation amounting to more than 17 days' wages ;

(2) A person who for the rest of his life is unable to work—compensation amounting to more than 150 days' wages ;

(3) A person who is no longer capable of performing the work on which he was formerly engaged, and who has not recovered his former state of health, and a woman whose features are disfigured—compensation amounting to more than 100 days' wages ;

(4) A person who, although he has suffered physical injury, is able to resume his former work, but who has nevertheless not recovered his former state of health—compensation amounting to more than 30 days' wages.

8. In the case of the death of a worker, the employer shall pay to the deceased person's family compensation amounting to more than 170 days' wages.

9. In the case of the death of a worker, the employer shall pay the deceased person's family the sum of 10 yen as a funeral allowance.

10. As regards the compensation of dependants, the worker's wife shall have the first claim.

If there is no wife, the compensation may be granted to those relatives in direct ascending or descending line who were living in the deceased person's household at the time of his death. As regards the precedence of the relatives, the nearer relations shall have preference over the others. If the degree of relationship between relatives in ascending line and those in descending line is the same, the relatives in descending line shall have preference over those in ascending line.

11. The following provisions shall apply as regards the manner of ascertaining the precedence of relationship between persons of the same degree of relationship under paragraph 2 of the preceding Section :

(1) The family heir or head of the family shall have precedence over all other persons.

(2) Male persons shall have precedence over female persons.

(3) As far as concerns relatives in direct descending line, of a male and a female person the elder shall be preferred to all others. A legitimate child shall have preference, regardless of sex, over the child of a concubine or over an illegitimate child. The child of a concubine shall, even if it is of the female sex, have preference over an illegitimate child.

(4) Of persons who are placed on an equality under (2), the elder shall be preferred.

12. If there is no person satisfying the conditions laid down in §10, the compensation shall be paid to one of the persons named below. Notwithstanding, if one of the persons named below has been designated for the purpose by the last will of the worker, or by a previous notification to the employer, the compensation shall be paid to such person :

(1) Heir or head of the deceased person's family.

(2) Brother or sister of the deceased person, living in his household at the time of his death.

(3) Relatives of the worker or other persons who were living in his household at the time of his death and who were dependent upon his earnings for their maintenance.

13. Compensation under §6 shall be paid at least once a month. The same shall apply to the expenses contemplated in §5.

14. Where a worker who is drawing compensation under §5 is not cured of his injury or illness on the expiration of three years from the day on which his treatment began, the employer may cease to pay compensation within the

meaning of the present chapter, and instead pay a lump sum down, amounting to more than 170 days' wages.

15. The employer shall not be required to pay the compensation prescribed in the present chapter in the following cases :

(1) If application for compensation is not made for one year after the worker's dismissal. This shall not apply where the application relates to an injury or illness for which the worker has already drawn compensation at an earlier date, nor where the application relates to an injury or illness in respect of which compensation has been asked for before the worker was dismissed or within one year of his dismissal.

(2) If after the worker's dismissal the injury or illness reappears after it has once been cured and the worker has received compensation.

16. The wage to be taken as a basis for the calculation of compensation under the provisions of §§6-8 and 14, shall be held, in each of the cases named below, to be as follows :

(1) If the wage is expressed as a fixed sum : the said sum.

(2) If the wage is fixed in accordance with the amount of work : the hours of work : the average wages for the 30 completed working days reckoned from the day before the diagnosed commencement of the illness where an illness is in question. If the date when the illness began is unknown, the seven days preceding the day on which the diagnosis took place shall be deducted. In the case of injury or instant death, the day on which such occurred shall be deducted. If the work had not lasted 30 days, the average wage shall be calculated on the basis of the full days worked.

(3) If the basic wage cannot be calculated in accordance with the rules laid down for the two cases named above, the wage shall be held to be the amount fixed in the compensation regulations. If the regulations contain no provisions covering the case, the district president (chihojoka) shall determine the basic wage.

17. In the calculation of the basic wage in accordance with the provisions laid down for the cases coming under (1) and (2) of the preceding Section allowances in kind and other allowances made by the employer, may be included in the amount in question.

18. The district president may, on his own initiative or on application, investigate individual cases or settle amicably all differences of opinion on questions concerning the injury, the illness, or the cause of the worker's death, the degree of the physical injury as contemplated in §7, and the compensation.

In the cases contemplated in the preceding paragraph a medical opinion may be procured, if necessary, or a medical man may be called in to assist in the investigation.

19. The employer shall draw up a set of compensation regulations, and fix in them the amounts of compensation, the formalities to be observed and all other points in connection with the system of compensation. He shall submit the regulations to the district president. The same procedure shall apply where the compensation regulations are amended.

If the district president considers this necessary, he may require the compensation regulations to be amended.

20. Special rules shall be drawn up as regards compensation for workers employed in State undertakings.

CHAPTER 3.—*Engagement and Dismissal of Workers.*

21. The employer shall draw up registers of the names of the workers to be kept in every workshop. More detailed regulations as regards

particulars to be entered in the register of workers shall be drawn up by the Minister for Agriculture and Trade.

22. The wages of the workers shall be paid at least once a month in legal currency.

23. On the death or dismissal of a worker and in the cases determined by the Minister of Agriculture and Trade, the employer shall pay the wages immediately upon the application of the person entitled to the same.

In the cases contemplated in the preceding paragraph, the employer shall immediately give up any monies of whatever nature given to him to keep or deposited as security or savings.

24. The employer shall not weaken the provisions of the two preceding Sections as regards the engagement of workers, by contract, nor shall he fix in advance by contract the fines or compensation to be paid to him in the event of the worker breaking his contract. Notwithstanding, this rule shall not apply if the consent of the district president has been obtained, and a scheme has been drawn up on the following matters :

(1) Causing the worker to save or providing other benefits in favour of the worker, which replace part of his wages ;

(2) Respecting the deduction of the part corresponding to the employer's contributions from the worker's savings, in the case of his breaking the contract of employment or being dismissed as a result of a fault.

25. If the worker's savings are administered by the employer, the latter shall draw up in advance a scheme providing the necessary security and procure the sanction of the district president for the same.

26. If children of school age and who have not completed their elementary education are employed, the employer must make suitable arrangements to enable these children to attend school, and procure the sanction of the district president for the same.

27. The employer shall pay the necessary travelling expenses for young persons or women dismissed at his pleasure or for workers drawing compensation under §5 or §6, or for workers to whom (1) and (2) of §7 apply, and who have been dismissed, if they return to their homes within 15 days after their dismissal. The same shall apply as regards persons whose compensation has been stopped under §14 and who return to their homes within 15 days of the cessation of the payments.

The provisions of §18 shall also apply as regards the travelling expenses contemplated in the preceding paragraph.

CHAPTER 4.—*Apprentices.*

28. The following conditions shall be observed as regards the keeping of apprentices in factories :

(1) The apprentices may only be employed in work serving exclusively to enable them to acquire the knowledge and skill necessary for a particular trade ;

(2) The instruction and training of the apprentices shall take place under the direction and supervision of a person specially appointed for the purpose ;

(3) The apprentices shall be subjected to definite and constant supervision as regards the development of their moral character ;

(4) The apprenticeship shall correspond to the terms of the permit to be granted by the district president.

29. Every employer who wishes to procure the permit contemplated under (4) of the preceding Section shall give the following particulars in his application :

- (1) Number of apprentices ;
- (2) Age of the apprentices ;
- (3) Capacity of the person having the duty of directing the apprentices' training ;
- (4) Subject of instruction and training and duration of the apprenticeship ;
- (5) System of work and number of daily hours of work ;
- (6) Particulars of days of leave and intervals for rest ;
- (7) Method of supervision as regards the training of the apprentices ;
- (8) Nature of the payments made by the employer ;
- (9) Rules in pursuance of §30 ;
- (10) Terms of the contract of apprenticeship.

30. If the apprentices are under age or of the female sex, the measures for the prevention of risks and injuries to health prescribed by the provisions of the Factory Act respecting the employment of persons under 15 and women shall be adopted.

The provisions of §26 and the corresponding penalties shall apply also in respect of the employment of apprentices.

31. If the district president finds that an employer is not complying with the provisions of §28 (4), or that he is not in a position to fulfil the object of the apprentices' instruction, he may issue the necessary orders to modify or withdraw the permit granted under §28 (4).

32. The provisions of the Factory Act and of the present Order respecting workers, shall apply to all persons who do not satisfy the conditions laid down in §28 even if the employer treats them as apprentices.

The same shall apply in respect of apprentices, in cases where the permit contemplated in §28 (4) has been withdrawn.

CHAPTER 5.—Penalties.

33. The employer shall be liable to a fine not exceeding 200 yen in the following cases :

- (1) If he contravenes the orders of the district president as regards the modification of the compensation regulations ;
- (2) If he is guilty of deceit in connection with the engagement of workers ;
- (3) If he contravenes the provisions of §24 or the conditions attached to the granting of exceptions under the said Section ;
- (4) If he dishonestly avoids or attempts to avoid carrying out, wholly or in part, his obligation to pay compensation ;
- (5) If he dishonestly avoids or attempts to avoid, wholly or in part carrying out his obligation to pay wages and to pay back the worker's savings or the obligation laid upon him by §27, paragraph 1 ;
- (6) If he undertakes the administration of the workers' savings without having procured the sanction contemplated in §25 or without having conformed to the sanctioned scheme ;
- (7) If he employs children of school age who have not completed their elementary education without the sanction contemplated in §26.
- (8) If he contravenes the orders of the district president issued in pursuance of §28 (4) and §31.

Any person who uses deceitful means in favour of an employer in connection with the employment of a worker or who fraudulently enables or attempts to enable an employer to avoid carrying out the obligations referred to under (4) or (5) of the preceding paragraph, shall be liable to the penalty mentioned in the preceding paragraph. Notwithstanding, this shall not apply where the employer or his representative is liable for the fine under the provisions of §22 of the Factory Act as regards acts of the said persons.

34. Any person who is guilty of deceit in connection with the placing of workers, shall be liable to a fine not exceeding 200 yen.

35. In the following cases, the employer shall be liable to a fine not exceeding 100 yen :

(1) If he fails to make and keep the register of workers in the workshop ;

(2) If he fails to draw up the compensation regulations and to submit them to the district president ;

(3) If he fails to pay wages in legal currency.

36. The present Order shall apply to the employer or his representative even in cases where the Penal Law or other laws and regulations apply to the employer or his representative, the head of his family, his dependants, members of his household, his employees or other servants, on the ground that the acts contemplated in the present Order come at the same time under the provisions of the Penal Law respecting fines or other laws and regulations.

Supplementary Provisions.

37. The present Order shall come into force on 1st September, 1916.

38. For a period of one year from date of the coming into force of the present Order, the provisions of §24 shall not apply in respect of contracts signed before the said date.

If there exists a trade custom as regards terms for the payment of wages, contrary to the provisions of §24, the employer may, with the authorisation of the district president, during a period of three years from the coming into force of the present Order, regulate the terms for the payment of wages by contract, provided that the term shall not be longer than that provided for by the said trade custom.

39. Employers subject to the Factory Act when the present Order comes into force, may deviate from the provisions of §§19, 21, 22, 25 and 26, during a term of 4 months after the coming into force of this Order.

Employers who, on the coming into force of this Order, are administering workers' earnings, employing children of school age who have not completed their compulsory education, or keeping apprentices, and who have applied, within the time limit contemplated in the preceding paragraph, for the sanction of the district president under §§25, 26 or 30, paragraph 2, may continue as usual until the necessary administrative measures have been taken.

The provisions of the preceding paragraph shall also apply in respect of applications for authorisation under the second paragraph of the preceding Section.

40. In so far as the Orders in force at the time are not contrary to the Factory Act or the present Order, they shall not go out of operation in consequence of the coming into force of the present Order.

41. Apart from the provisions contained in the present Order, the competent Minister of State or the district president may issue Orders respecting supervision over the engagement, dismissal and placing of workers, and adopt

any further measures which may be necessary for the administration of the present Order.

42. In the departmental prefecture of Tokyo the district president shall mean the police prefect.

2. *Kojoho dainijo dainiko ni yoru shugyo kyoka ni kwansuru ken.*

Regulations respecting permits for work under §2, paragraph 2, of the Factory Act. Instructions No. 10 of the Ministry for Agriculture and Trade to the departmental prefectures, except that of the administrative district of Tokyo. Dated 2nd August, 1916.

In dealing with the cases in which, in accordance with §2, paragraph 2 of the Factory Act, the employment of children over 10 but under 12 years of age may be permitted, the following regulations shall be observed:—

1. The following shall be held to be light and simple occupations:

(1) Packing in boxes and cases, wrapping or affixing labels in connection with the making of confectionery, cigarettes and matches in which no yellow phosphorus is used (provided that an exception may be allowed for the yellow phosphorus match industry during a period of two years from the date of the coming into force of the Factory Act), and also in the making of brushes and buttons.

(2) Sticking boxes, in the making of cardboard boxes or match boxes.

(3) Folding paper in printing works and in bookbinding or in the paper industry.

(4) Sorting the refuse in the silk-thread industry.

(5) Putting the warp on looms, spinning yarn by hand, spooling yarn in weaving mills.

2. Where, in view of local circumstances, the question arises of employing children in simple and light occupations not coming under those named in the preceding Section, the permission of the Minister for Agriculture and Trade shall first be procured.

3. Permission shall be granted subject to the following minimum conditions:

(1) The daily period of employment shall not exceed six hours.

(2) If the daily period of employment exceeds three hours, a break of at least half-an-hour shall be allowed.

(3) At least four days of rest a month shall be fixed.

3. *Kojoho-sekokisoku.*

Regulations in pursuance of the Factory Act. Order No. 19 of the Ministry for Agriculture and Trade. Dated 3rd August, 1916.

1. Machines driven by steam engines, steam turbines, gas engines, petrol motors, turbine water-mills, pelton water-mills and electrical motors shall be held to be machines driven by mechanical power within the meaning of §1 of the Order in pursuance of the Factory Act.

2. Applications for permission under §2, paragraph 2, of the Factory Act shall be addressed to the district president. The same shall apply regards applications for permits or sanction and declarations under §8 of the said Act.

3. In the case of the machine silk-thread industry and work in silk weaving mills engaged in export trade, the employer may, in factories specified

y the district president, extend the period of employment for workers under 15 and women, during a period of five years from the date of the coming into force of the Factory Act, to not more than 14 hours a day and during the following 10 years to not more than 13 hours.

In the case of weaving and hosiery works the employer may, during a term of two years from the date of the coming into force of the Factory Act, extend the period of employment for persons under 15 and women to 14 hours a day.

4. The following shall be held to be processes coming under §5, paragraph 1, of the Factory Act :

(1) In the manufacture of fish and shell-fish preserves, the processes of salting, smoking, cooking or drying fishes and shell-fishes, as well as all other processes necessary to prevent the raw material from rotting or decomposing.

Work in the manufacture of fruit preserves and in fermenting fruit juices.

(2) Work in newspaper printing works.

5. The restrictions on work contemplated in §9 of the Factory Act shall apply to the following :

(1) The work of cleaning, oiling, examining or repairing machines in motion by means of mechanical power, of electrical and other machines or fly-wheels, cranks, connecting-rods, crossheads, piston-rods attached to machinery for the transmission of motor power, and commutators on electrical motors, rollers, sharp cutters, cog-wheels, driving pulleys, shafting, cap-rings or other dangerous parts of machinery.

(2) The work of putting on or taking off driving belts or cables on machinery in motion or on machinery for the transmission of motor power which involves danger.

(3) Stoking work for steam boilers and the manipulating of water-valves, steam valves and safety-valves.

(4) The manipulation of electric motors, resistance apparatus or electro-motive converters and the connecting of wires in electrical high tension lines.

(5) The work of putting the wood into sawing machines.

(6) Work carried on in the immediate neighbourhood of cog-wheels, driving pulleys, flywheels, driving belts or cables, and other dangerous work, if the workers are not protected by fencing in good condition and other appliances for the prevention of accidents.

(7) Work in the line of transmission, on scaffolding and in other similar places, where there is no fencing in good condition or other appliance for the prevention of accidents.

6. The restrictions on work contemplated in §10 of the Factory Act shall apply to the following :

(1) Work in which arsenic, mercury or their chemical compounds, yellow phosphorus, sulphide of phosphorus, prussic acid, cyanide of potassium, fluorhydric acid, sulphuric acid, nitric acid, hydrochloric acid, caustic soda, carbolic acid and other similar substances of a poisonous or caustic nature, are manipulated.

(2) Work necessitating the manipulation of potash, sodium, superoxide of sodium, ether, petroleum benzine, alcohol, bisulphide of carbon, and other similar explosive or inflammable substances.

(3) Work at places where gunpowder, explosives or fireworks are handled.

(4) Work at places where a considerable amount of dust or powder generated from metals, ores, clays and stones, bones, horns, rags, animal hair, cotton-wool, hemp, straw, etc.

(5) Work at places in which dust, fumes or gases are generated from arsenic, mercury, yellow phosphorus, lead, prussic acid, fluorine, aniline, chrome, chlorine or their chemical compounds or from other similar poisonous substances.

(6) Work requiring the manipulation of very hot substances, large masses and work at very hot places, as in metal and ore-smelting works or brick works and potteries, as well as work in drying rooms with a high temperature, or at other similar very hot places.

7. The provisions of §10 of the Factory Act shall apply to women over 15 years of age as regards the work named under (5) and (6) of the preceding Section.

8. The employer shall not allow persons suffering from the diseases named below to work. Notwithstanding, this shall not apply if, in the case of persons suffering from the infectious diseases named under (4) and (5), measures are taken to prevent infection :

- (1) Mental diseases ;
- (2) Leprosy, tuberculosis, laryngeal tuberculosis ;
- (3) Erysipelas, ague, measles, cerebro-spinal meningitis, and other acute fevers ;
- (4) Syphilis, itch and other infectious skin diseases ;
- (5) Conjunctivitis and trachoma (where liable to be infectious) and other similar infectious diseases of the eye.

The employer shall not allow persons to work who are suffering from acute pleurisy, heart disease, beri-beri, inflammation of the joints, inflammation of the sheath of a tendon, and diseases of the urinary and sex organs, and whose state is likely to be rendered worse by the work.

The employer shall not allow persons to work who are suffering from severe or infectious disease even after the disappearance of the symptoms so long as their health is not fully restored ; notwithstanding, this shall not apply if the worker's medical attendant is of opinion that he may resume work without risk.

9. The employer shall not allow women to work for 5 weeks after their confinement.

Notwithstanding, a woman may return to work for which her medical attendant considers her fit, as early as three weeks after her confinement.

10. Apart from the cases contemplated in the two preceding Sections, the district president may issue orders restricting or prohibiting the employment of sick persons and women after confinement.

11. The official credentials named in §14 of the Factory Act shall be in accordance with Form 1 in the schedule.

12. The employer shall post up in a conspicuous place a notice stating the hours of work, periods for rest, and days of rest.

13. The employer shall draw up an easily legible notice containing the principal regulations as regards compensation, and shall bring it to the knowledge of all workers in a suitable manner.

14. If a worker, during his work or within a factory or within its curtilage, sustains an injury, contracts a disease, or is killed, the employer shall without delay arrange for a medical examination or inquest.

15. If the manner of calculating the sum contemplated under (1) of the Order in pursuance of the Factory Act and the payment contemplated

§17 of the same Order, is not determined either by contract or by trade custom, the amount of the daily wage or the daily allowance shall be ascertained by dividing the yearly amount by 360 and the monthly amount by 30.

16. The entries in the register of workers shall be made in accordance with Form 2 in the schedule.

17. The registers of workers shall be kept for five years after the death or dismissal of the workers.

18. If the employer, either in the factory itself or by transference to a workplace outside the factory, has effected a change in the position of the workers in the undertaking, this shall, for the purposes of entries in the register of workers, be held to amount to the engagement or dismissal of these workers.

19. The records of the engagement and dismissal of workers and respecting compensation shall be kept separately for every workplace affected.

All records of the engagement and dismissal of workers, as contemplated in the preceding paragraph, shall be kept for three years after the dismissal or death of the workers. Similarly, the compensation records shall be kept for three years after the compensation has ceased.

20. The employer shall pay the workers their wages in pursuance of §23 of the Order in pursuance of the Factory Act, or reimburse their savings, in the following cases :

(1) if a worker returns home for more than one month ;

(2) if a worker needs his money in order to meet the expenses of a wedding or a funeral ;

(3) in other cases to be determined by order of the district president.

21. If an employer wishes to procure sanction for the appointment of a factory manager, he shall submit to the district president a written application enclosing an account of the appointed manager's career.

22. The employer shall notify the district president as soon as :

(1) a factory manager is appointed in pursuance of the exception allowed under §18, paragraph 3, of the Factory Act ;

(2) a factory manager dies or is dismissed ;

(3) the records which must be kept in accordance with §17 or §19, paragraph 2, are lost or destroyed.

23. If the employer wishes to modify the compensation regulations, he must notify the district president thereof one month in advance.

24. In a factory in which more than 50 workers are regularly employed, the employer must notify the district president, in the form prescribed in No. 3 of the schedules, once a month, and before the 20th day of the following month, of diseases contracted or injuries sustained by the workers or of any deaths amongst them.

25. Any person who contravenes the provisions of §§8, 9, 12-14, 16, 17 or 19, or who fails to comply with those of §10, or who omits to make entries in the register of workers, or who makes false entries, shall be liable to a fine not exceeding 100 yen.

26. Any person who fails to give notice under §§22-24, or who presents false notices, shall be liable to a fine not exceeding 50 yen.

27. The present regulations may apply to an employer or his representative even if the Penal Law or other laws and regulations apply to the employer, his representative, the head of his family, his dependants, members of his household, his employees or other servants, who have contravened the provisions of the present regulations, because the acts committed likewise

come under the penal provisions of the Penal Law or other laws and regulations.

Supplementary Provisions.

28. The present regulations shall come into force on 1st September 1916.

29. An employer coming under the Factory Act when the present regulations come into force, may deviate from the provisions of §§12, 13, and 24 for a period of four months from the day of the coming into force of the present regulations.

30. An employer who, at the time of the coming into force of the Factory Act wishes to continue to employ persons over 10 but under 12 years of age shall notify the district president by 30th September, 1916, of the names, sex, dates of birth and dates of engagement of the said persons.

Any person who fails to give notice as contemplated in the preceding paragraph, or who makes false statements in the notice, shall be liable to a fine not exceeding 50 yen.

31. In the departmental prefecture of Tokyo the district president under the present Act shall mean the police prefect.

Schedules.

[Form No. 1. — Form No. 2: Notes on the entries in the register of workers. — Form No. 3: Notes on the entries in the monthly report of sick or injured workers.]

III. Spain

1. *Real decreto disponiendo que, desde su publicación' quede equiparado Brasil á los demás países, en cuanto á la emigración se refiere.* 5 de enero de 1912. (Boletín del Instituto de Reformas Sociales—B.I.R.S. VIII., II., 209.)

Royal Order providing that, from the date of its publication, Brazil shall be put in the same position as other countries as regards emigration. Dated 5th January, 1912.

2. *Real orden-circular declarando hallarse vigente la ley de 19 de Mayo de 1900 sobre Tribunales industriales.* 26 de Febrero de 1912. (B.I.R.S. VIII., II., 326.)

Royal Circular declaring that the Act of 19th May, 1908,* respecting Industrial Courts, shall remain in operation. Dated 26th February, 1912.

3. *Real decreto aprobando el Reglamento provisional para la aplicación de la ley de 27 de Diciembre de 1910, fijando la jornada máxima de trabajo en las minas.* 29 de Febrero de 1912. (B.I.R.S. VIII., II., 328.)

Royal Decree approving the provisional regulations for the application of the Act of the 27th December, 1910,† fixing the maximum working day in mines. Dated 29th February, 1912.

[The following regulations are approved.]

* Text E.B. IV., p. 142, No. 6.

† Text E.B. VI., p. 29.

CHAPTER I—General.

1. In these regulations "employer" means the individual or company who owns the mine or works where the work is carried on.

If the work is carried on under a contract, the contractor shall be considered to be the employer.

For the purposes of this Section, the State, provincial deputations and local authorities shall be held to be equivalent to individuals, companies and contractors.

2. "Workman" means every person who for someone else does the work specified in §4, excluding the technical employees and officials of the undertakings.

3. These Regulations shall apply to work in mines, peat-cutting, stone quarries, undertakings for extracting building materials whether above or below ground, sea salt and rock salt works, and the getting of underground mineral and medicinal waters.

4. The kinds of work referred to in the preceding Section are :

(1) Underground work : The underground work of investigation, preparation for the extraction and the extraction of mineral substances destined for direct use, by means of shafts, galleries, adits, etc., and generally all work of excavation below the surface of the soil necessary for the undertaking ;

The transporting in the mine, that is to say underground, of persons, material, rubbish or minerals, and the work of conveying the substances and persons to the outside, *i.e.*, to the open-air ;

Drainage and works for security and hygiene necessitated by the previously mentioned work ;

Setting-up, running and service of machines for the generation of energy, machinery necessary to lower and bring up the persons or materials, extraction of products, drainage, transport, ventilation, lighting and the carrying out of all the operations which the before-mentioned underground works require, and generally, all operations exclusively, directly, immediately and necessarily connected with the said underground works.

(2) Surface work : Excavation, levelling, and generally, the moving of earth and extraction of every kind, necessary for the undertaking and carried on in the open-air ;

The loading within the works of the necessary products of excavation for the purposes of transportation by ordinary road, rail or overhead means of conveyance ;

The service of the machines necessary for the said operations.

5. These Regulations shall not apply to :—

(1) Workshops for the preparation of minerals by a mechanical process where they are cleaned, washed, concentrated, purified and classified, and generally, all establishments which receive mineral substances in a raw or natural state and prepare them, without changing their chemical condition, in order to utilise them in the arts or in the metallurgical industry.

(2) Furnaces for calcining and smelting, and generally, those having the object of producing from the ore other mineral substances.

(3) Factories, workshops or metallurgical establishments for the treatment of minerals in order to obtain from them (directly or combined with other substances and by any process), products or sub-products, and their transformation into commercial products.

(4) Outside works, *i.e.*, not underground, in offices or workshops similar to those in other industries, although they are exclusively concerned in the service of mining undertakings.

(5) Transporting outside or in the open air, including loading and unloading.

CHAPTER 2.—*Working Day.*

6. In the underground works defined in group (1) of §4 the ordinary working day shall not exceed 9 hours.

This time shall begin to be reckoned from the moment when the first workmen enter the shaft, adit, or gallery, without deducting from it the time taken in getting to the place where they have to work, and shall end with the arrival at the pit's mouth of the first workmen of the shift which is returning to the surface.

This provision shall relate solely to the entering at the beginning of the day's work and to the exit at the end of it, but not to entrances and exits which may take place during the day's work for breakfast and dinner or for any other purpose.

7. In the duration of the day's work in underground work, there shall not be included the times off in the interior of the mine appointed for meals and the workmen's periodic breaks for rest.

These times off shall be arranged by mutual agreement between the workmen and the employers; in default of this, by the custom of the locality; and in default of this, by a special regulation approved by the Governor after hearing the employers and workmen and the mining authorities (*Jefatura de minas*).

The agreement shall form part of the special regulations of the undertaking.

8. Interruptions of work, independent of the will of the workmen, due to the needs of the work shall be deemed to be included in the working day.

9. The maximum working day in the surface work, and the various kinds of work connected with it enumerated in group (2) of §4, shall have an average annual duration of $9\frac{1}{2}$ hours, the time table being regulated during the different seasons of the year according to the daylight, and so that in no case it exceeds ten hours.

10. In surface works the employer may fix the time table, with the consent of the workmen and subject to the limits stated in the preceding Section, and he shall include it in the special regulations of his undertaking, which are approved by the Civil Governor.

11. In cases where a working day is found to have been established in certain undertakings by the Regulations there in force, by special agreement, or local custom, shorter than the maximum fixed by the Act of 27th December, 1910, and the present regulations, its duration shall not be increased.

12. In surface works, the day's work shall comprise the period from the roll call or whatever may be the method of registering a man's entry up to the cessation of work at the face, subtracting from this period the time occupied in the intermediate times off for meals and rest.

On the other hand, interruptions due to the needs of the work shall be considered as part of the time forming the working day.

13. In the maximum legal working day of mechanics, stokers and, generally, of persons engaged in working all kinds of machines and in the kinds of work included in §4, the time required to start or stop the machines shall not be included.

14. When, by reason of some damage or accident that has happened the stairs, winding apparatus, trucks, cages, machinery and apparatus used for taking the workmen from the outside of the mine to the underground workings, and away from these up to the surface, the time occupied in getting to the place of work is longer than usual, the length of the working day may be increased.

15. The increase in the length of the working day to which the previous Section refers must not exceed two hours and shall only take place during the days strictly necessary for repairing the damage.

16. The extension to which the two preceding Sections refer shall be made on the responsibility of the employer, lessee or contractor, who shall have the duty of at once communicating this incident, its cause and remedy to the Civil Governor and the mining authorities of the province.

17. The workmen may repeat the working day within the 24 hours the following cases :—

(1) When the work cannot be interrupted without producing serious alterations in a mine or part thereof ;

(2) In those undertakings where, with the approval of the workmen employed in them, there exists an established custom for a day's work of two shifts succeeded by a complete day's rest ;

(3) In gangs for doing urgent repairs, if in order to avoid work on Sunday, they agree to do it on the previous Saturday.

18. In the three cases referred to in the preceding Section, the shifts of the same workmen must be separated by an interval of at least four hours.

19. In order that the workmen may repeat the working day in one day in the manner and in the cases provided in §17, the owners, lessees or contractors of the undertaking must ask for and obtain an authorisation beforehand, in the first case from the Civil Governor of the Province on the previous advice of the mining authorities, and in the third case from the Mayor, President of the local municipality.

20. The duration of the working day may be increased in the following cases :—

(1) When there is imminent danger to persons or property or an accident has occurred which necessitates immediate assistance to remedy it ;

(2) In those mining undertakings where, on account of their topographical situation or the climatic conditions of the locality, it is not possible to work more than six months in the year ;

(3) When for technical causes it is not possible to keep to the maximum legal working day and to continue working the mine.

21. In case (1) of the preceding Section as well as in cases of *force majeure* and always when it is necessary to prevent an actual or impending danger, the employers, concessionaires, or contractors of the work can, on their own responsibility, increase the length of the working day, provided that they bring the matter at once to the knowledge of the Civil Governor of the Province in order that he may issue the necessary decision on the previous advice of the mining authorities of the Province, and the Provincial Committee of Social Reform. The increase in the working day must be stopped as soon as the cause for it disappears.

In cases (2) and (3) the extra hours shall not exceed one a day or six weeks. The exception will be granted by the Ministry of Labour on the previous advice of the Council of Mines (Consejo de minería), and the Institute of Social Reform.

The concession provided for under § (3) shall be of a temporary character for a period of six months ; in case of proved exceptional necessity this period may be renewed.

22. When as a consequence of the provisions of §§13-21 of these Regulations, the maximum working day is increased by overtime, this shall be paid for *pro rata* as fractions of the daily wage, subject to any special agreement made between the employer and workmen ; in case differences arise between the parties in regard to this, they shall be determined by the Civil Governor of the Province, on the advice of the mining authorities and the Provincial Committee of Social Reform. The decision of the Governor may be appealed from in the manner provided by §28 of these Regulations.

23. Workmen shall not work more than six hours a day :—

(1) In the parts or places of underground works where the mean temperature under the normal conditions of work equals or exceeds 33° C.

(2) In the parts or places of the works in which the workmen have to work with their lower extremities always submerged in water or mud.

(3) In the underground workings and in the unhealthy processes outside of the mines of Almadén.

24. In those parts or places of underground workings where the temperature exceeds 42° C., work may be done only as an exception and in case of unavoidable necessity or imminent danger, and information properly justifying this course must always be given to the Civil Governor of the Province and the mining authorities in order that the proper steps may be taken.

25. In special cases of injury to health which may occur in the works comprised in these Regulations, the Ministry of the Interior shall have power to diminish the ordinary maximum working day, on the advice of the Court of Mines and the Royal Sanitary Council.

This diminution shall subsist as long as the reasons for it subsist ; so soon as normal conditions are re-established in the works, there shall be a return to the ordinary conditions of work.

26. In urgent cases, as often as excessive humidity, impurity of the atmosphere or circumstances causing exceptional injury to health, the nature of the mineral or of the seams, the presence of a general danger or other cause whatever, whether dependent or not on the action of the employer, shall make it dangerous to the life or health of the persons employed to carry out for an excessive duration the works comprised in §4 of these Regulations, the Civil Governors, on the proposal and advice of the mining authorities, may fix a duration of the working day below the normal, but the employer shall not on this account reduce the daily wage which his workmen were getting at the date of the Regulation.

In these cases the reduction of the working day shall be limited to those places or sections which do not satisfy the indispensable conditions of security and health, and shall last so long as the cause which occasions it.

27. The Institute of Social Reform may report to the Ministry of the Interior and the Governors cases contemplated in §§23-26, in order that they, with the advice of the mining authorities, may issue the necessary orders.

28. An appeal shall lie from the Governing Authority referred to in §26 to the Ministry of the Interior within a space of 30 days, commencing from its communication to the interested party, but without this having the effect of staying its operation.

The Ministry of the Interior shall determine the Appeal after hearing the Council of Mines and the Royal Sanitary Council.

29. In the cases contemplated in §§23-26 double shifts for the same workmen are prohibited.

CHAPTER 3.—*Work of Women and Children.*

30. Underground work of every kind is prohibited for children under 16 and women of any age.

The employment of males under 18 in underground workings for the extraction of minerals and in all work carried on by means of explosives is prohibited.

31. For surface work performed by children under 16 and women the provisions of the Act of 13th March, 1900, and those contained in the Royal Decree of 25th January, 1908,* shall apply, provided that in no case shall the working day exceed in the works here referred to the 9½ hours mentioned in §9, allowed by the Act and the provisions above referred to and by these Regulations.

32. The provisions of the Act of 13th March, 1900, and of the Royal Decree of 25th January, 1908, shall regulate surface work classified as unhealthy or dangerous, and night-work.

Women under 18 working on the surface may only be employed in sorting, washing or cleaning, and not in any kind of transport or carriage of minerals and metals.

CHAPTER 4.—*Contraventions and Responsibility.*

33. The owners, lessees or contractors (if the undertaking shall have been contracted for), whether individuals or companies, shall be responsible for failure to comply with the Act of 27th December, 1910,† and these Regulations.

34. Contraventions of the Act of 27th December, 1910, or of the present Regulations shall be punished by a fine of from 50 to 2,500 pesetas recoverable from the owners, lessees or contractors of the undertaking, unless it is proved that they were not responsible.

A second offence within a year shall be punished with a fine double that previously imposed.

35. Contraventions of the Act of 27th December, 1910, and of these Regulations shall be reported by the mining engineers agents of the Mining Inspection Department and by the provincial or local Factory Inspectors.

These reports shall be sent to the Civil Governor who will determine the proceedings to be taken in accordance with the provisions of the preceding Section.

36. Without prejudice to the provisions of §35 any person may report a breach of the present Regulations and the Act under which they are made.

Reports shall be made in writing and on ordinary official paper, signed by the informer, who, at the time of presenting it, shall show his identification warrant, and they shall be presented to the Chief Engineer of Mines or the provincial or regional Inspector of Labour, who shall send them duly verified and reported on to the Civil Governor for his decision.

37. In certain cases the complaint referred to in the preceding Section may be made to the Engineer of Mines for the district or to the provincial or local Factory Inspector while engaged on a visit of inspection. In such a case the officials shall at once proceed to verify the complaint, communicating it, with the result of their investigation, to the Civil Governor in order that he may deal with it and a decision be issued.

* Text E.B. IV., p. 138, No. 2.

† Text E.B. VI., p. 29.

38. The Civil Governors shall have cognizance of breaches of the Act of 27th December, 1910, and these Regulations, after having heard the Office of Mines of the Province, and the Provincial Committee of Social Reform.

39. The judgment delivered by the Civil Governor shall be notified to the interested parties in a written document, which shall set it out verbatim and shall state the manner in which appeal may be made against it and the place where such appeal shall be lodged; the interested party to whom it is directed shall sign the receipt for the notification and in the case where he is unable or unwilling to sign, this shall be done by two witnesses called in for the purpose.

In the case where the party interested to whom the information ought to be given has no address or his address is unknown, the judgment of the Governor shall be published in the Official Bulletin of the Province, a copy of which shall be sent to the Mayor of the Town where the person concerned last resided, so that the Mayor may publish it by edict.

40. From the decisions of the Civil Governor appeal shall lie to the Ministry of the Interior which shall determine the matter finally after hearing the Institute of Social Reform.

This appeal must be lodged within the 30 days following that on which the judgment of the Governor is notified to the interested party, through the same Governor, who shall send it with a report to the Tribunal of Appeal.

41. If the owners, lessees or contractors of the works have lodged an appeal against a judgment of the Governor, the amount of fines imposed shall not become effective until the Ministry of the Interior shall have definitely decided on the matter, which must be done in the space of 30 days, after the Institute of Social Reform has been heard.

The Institution of Social Reform, in giving its advice, may suggest an increase of 10 per cent. in the amount of the fine imposed by the Governor.

42. The judgments delivered by the Ministry of the Interior shall be operative at once, and may only be suspended by order of the Tribunal (Tribunal de lo Contencioso), in an appeal lodged in the proper legal form.

43. A copy of the Act of 27th December, 1910, and these Regulations shall be affixed in a place where it can be clearly seen by all the workers in the undertaking.

CHAPTER 5.—*Transitory Provision.*

The Governor may provisionally suspend the application of the Act and these Regulations in cases of extreme urgency, on the ground that national interests would be endangered.

In order that the suspension, always of a provisional character, shall become definite, the previous consent of the Institute of Social Reform and the Council of State shall be necessary.

4. *Ley reformando la de 19 de Mayo de 1908 sobre Tribunales industriales.* 22 de Julio de 1912. (B.I.R.S., IX., I., 145.)

Act to amend the Act of 19th May, 1908, relating to Industrial Courts. Dated 22nd July, 1912.

5. *Real orden dictando reglas para la elección de Jurados de los Tribunales industriales.* 14 de Diciembre de 1912. (B.I.R.S. IX., I., 589.)

Royal Order issuing regulations for the election of arbitrators for the Industrial Courts. Dated 14th December, 1912.

6. *Real decreto disponiendo que los servicios afectos á la Dirección de Comercio Industria y Trabajo se organicen con arreglo al cuadro de distribución de servicios que se publica. 7 de Febrero de 1913. (B.I.R.S. IX., II., 231.)*

Royal Decree providing that the services attached to the Departments of Commerce, Industry and Labour shall be organised in accordance with the published service organisation table. Dated 7th February, 1913.

7. *Real decreto dejando sin efecto la prohibición temporal de emigrar á Panama, ordenada en 12 de Noviembre de 1908. 4 de Abril de 1913. (B.I.R.S. IX., II., 544.)*

Royal Decree putting out of operation the temporary prohibition of emigration to Panama, issued on 12th November, 1908. Dated 4th April, 1913.

8. *Real orden declarando quel el trabajo realizado por camareros, pinches, cocineros, criados, etc., en hoteles, restaurants y cafés, se halle incluido en el caso de excepción senalado en el art 4º del Reglamento para la aplicación de la ley del descanso en domingo. 7 de Mayo de 1913. (B.I.R.S. IX., II., 554.)*

Royal Order declaring that the work of waiters, lads, cooks, servants, etc., in hotels, restaurants and cafes shall be included under the exception contemplated in §4 of the regulations in pursuance of the Act relating to Sunday rest. Dated 7th May, 1913.

9. *Real decreto dictando reglas al objeto de corregir las deficiencias que la práctica ha puesto de relieve en el funcionamiento del Consejo Superior de Emigración. 23 de Mayo de 1913. (B.I.R.S., IX., II., 651.)*

Royal Decree issuing rules with the object of removing defects to which practice has given rise in the working of the Superior Council of Emigration. Dated 23rd May, 1913.

10. *Real orden declarando comprendidas en los beneficios consignados en los párrafos 2º y siguientes del art 9º de la Ley de 13 de Marzo de 1900, y en el art. 19 Reglamento para su aplicación, a las mujeres que trabajan á destajo en toda clase de industrias y tengan hijos en el periodo de la lactancia. 28 de Junio de 1913. (B.I.R.S. X., I., 65.)*

Royal Decree declaring that women working by the piece in all industries and having infants they are nursing, shall benefit from the privileges conferred by the second and following paragraphs of §9 of the Act of 13th March, 1900, and by §19 of the regulations in pursuance thereof. Dated 28th June, 1913.

(1) The privileges provided by the second and following paragraphs of the Act of 13th March, 1900, and by §19 in the regulations in pursuance thereof shall extend to women working by the piece in all industries.

(2) In order to carry out the above rule, the employer shall pay the women concerned, in addition to the wage due for the piecework done, an amount equivalent to the result of dividing the said wage by the number of hours devoted to the work.

11. *Real decreto autorizando al Ministro de la Gobernación para que presente á las Cortes un proyecto de Ley sobre régimen de trabajo en la industria textil. 23 de Octubre de 1913. (B.I.R.S. X., I., 458.)*

Royal Decree authorising the Ministry of the Interior to introduce in Parliament a Bill to regulate work in the textile industry. Dated 23rd October, 1913.

SOLE SECTION.—The regulation of the normal working day in the textile industry shall conform fully to the provisions of the Royal Order of 24th August, 1913,* supplemented and extended in accordance with the proposals of the Institute of Social Reform there referred to.

12. *Real orden encomendando al Instituto de Reformas Sociales la redacción de un proyecto de Ley acerca de las condiciones de trabajo en la industria textil.* 22 de Abril de 1914. (B.I.R.S. X., II., 542.)

Royal Order instructing the Institute of Social Reform to draft a Bill respecting conditions of work in the textile industry. Dated 22nd April, 1914.

13. *Real decreto modificando, en el sentido que se publican, los artículos que se mencionan del Reglamento de 30 de Abril de 1908 para la aplicación de la Ley de Emigración, al objeto de dotar las Inspecciones con el personal auxiliar necesario; producir positivos beneficios al emigrante; evitarle costosas explotaciones por parte de los ganchos; informar aquéllos respecto de los trámites que deben cumplirse para emigrar a ciertos países, donde exigen requisitos especiales; suprimir las molestias que antes existían, producidas, en su mayor parte, por la complicada tramitación del billete, y someter al emigrante a un solo criterio y a una sola jurisdicción, para determinar si puede o no embarcar.* 6 de Noviembre de 1914. (B.I.R.S. XI., I., 489.)

Royal Decree to amend, in the sense stated, the specified Sections of the Regulations of 30th April, 1908,† in pursuance of the Emigration Act, with the object of giving the inspectors the necessary assistants, of conferring positive benefits upon the emigrants to protect them from costly exploitation on the part of the recruiters; of informing the latter of the provisions which must be complied with as regards emigration to certain countries where special requirements are in force; of removing the formerly existing difficulties caused, for the most part, by the complicated regulation of tickets; and placing emigrants under a single rule and a single authority to determine whether or not they may embark. Dated 6th November, 1914.

14. *Ley concediendo amnistia a todos los sentenciados, procesados o sujetos de cualquier modo a responsabilidad criminal, en razon de delito realizado por medio de la imprenta, el grabado u otra forma de publicidad, por medio de la palabra en reuniones publicas o con ocasión de las huelgas de obreros, siempre que no se trate de los delitos de injuria y calumnia contra particulares, y en las huelgas obreras de los delitos comunes, del insulto o agresión a la fuerza armada.* 5 de Diciembre de 1914. (B.I.R.S. XI., I., 635.)

Act to grant amnesty to all persons convicted, prosecuted or rendered liable in any way to criminal proceedings, by reason of offences committed by printing, engraving or other forms of publication, by reason of speeches uttered in public meetings or in connection with strikes of workmen, provided there is no question of offences or calumny against individuals, and in the case of strikes, of joint offences, nor of insults or aggression directed against the armed forces. Dated 5th December, 1914.

* Text E.B. X., p. 212.

† Text E.B. XIV., p. 142, No. 5.

Ley modificando el art. 21 de la de 12 de Juni de 1911 sobre el régimen de casas baratas. 29 de Diciembre de 1914. (B.I.R.S. XI., II., 68.)
Act to amend §21 of the Act of 12th June, 1911, respecting cheap dwellings.
 Dated 29th December, 1914.

Real orden confiriendo a la comisión que se indica el encargo de reglamentar el trabajo a bordo de los buques mercantes. 28 de Junio de 1915. (B.I.R.S. XII., I., 67.)

Royal Order to confer upon the Commission named the duty of regulating work on board merchant ships. Dated 28th June, 1915.

Real decreto estableciendo que no podrá exigirse a los obreros cantidad alguna por reconocimiento médico, impuesto por los patronos antes o después de la admisión de aquellos al trabajo. 13 de Enero de 1916. (B.I.R.S. XII., II., 101.)

Royal Decree providing that no payment shall be exacted from the workers for the medical certificates, which the employer is required to procure before or after their admission to work. Dated 13th January, 1916.

Real decreto fijando las condiciones que deben reunir los andamios total o parcialmente colgados, usados para el revoco o reparación de fachadas. 23 de Enero de 1916. (B.I.R.S., XII., II., 204.)

Royal Decree laying down the conditions which must be satisfied by scaffolding, wholly or partly suspended, used in decorating or repairing facades. Dated 23rd January, 1916.

Real orden dictando reglas que faciliten la inspección del trabajo, a fin de asegurar el cumplimiento de las Leyes obreras. 26 de Febrero de 1916. (B.I.R.S. XII., II., 306.)

Royal Order making regulations to facilitate the inspection of work in order to ensure that the Labour Laws may be carried out. Dated 26th February, 1916.

1. The governing authorities of all grades and the heads of the general, provincial or municipal offices, shall give to the factory inspectors the support, assistance, aid and protection which is necessary for the performance of their duties as finally established by §33 and by the corresponding §§30, 31, 34 and 35 of the Regulations for the Department of Inspection promulgated by Royal Decree of 1st March, 1906.*

2. The local and provincial Committees of Social Reform shall carry out exactly the duties which are entrusted to them by the instructions approved by the Royal Order of the 2nd July, 1909,† under the control of the Institute of Social Reform, as is provided in the additional Section of the Act of 12th May, 1908,‡ relating to Industrial Courts, in the fourth additional provision of the Act relating to the same matter of 22nd July, 1912,** and in the said instructions.

3. The penalties proposed to the Committees of Social Reform by the factory inspectors, in conformity with the penal provisions of the Regulations, shall be fixed and steps taken to enforce them without delay by the said bodies.

* Text E.B. I., p. 428, No. 2.

† Text E.B. VI., p. 308.

‡ Text E.B. IV., p. 142, No. 6.

** Title E.B. XII., p. 44, No. 4.

under the superintendence of the respective authorities, in order that the penalties which are agreed upon may be made effective without delay within the time limits designated by law (§§77, 82, 83, 84 and 85 of the Regulations respecting the inspection of labour.)

4. The Presidents of the local and provincial Committees of Social Reform shall make a monthly report to the Minister of the Interior of the number of sittings held, the questions discussed, and the decisions come to, and containing a record of the cases of breaches of the law reported by their respective committees and of the visits made by the Inspectors of Labour, specifying dates, reasons, the procedure followed, and the fines imposed.

5. The Institute of Social Reform shall make a periodical report to the Ministry of the Interior on the relations which the Committees maintain with it, as well as of the efficacy of their assistance.

6. In particular, the authorities shall take steps with all possible speed to stop obstruction on the part of employers, taking immediate action in regard to the complaints which the Factory Inspectors make to them in this respect.

7. The local authorities shall as far as possible restrict the use of discretionary power given to them by §6 of the Act regulating the conditions of work of women and children, to allow minors to perform in public spectacles.

8. The authorities shall superintend the scaffoldings used in constructing and repairing buildings so that they shall satisfy the requisite conditions of security, they shall take steps to stop the work when an inspection made by the Municipal Architect or the Factory Inspector does not prove clearly that the safety of the workmen is guaranteed as is provided by the regulations in force.

9. The authorities shall see that the Act relating to Sunday rest is strictly complied with, and shall apply the penalties provided most rigorously.

10. Within a period of 15 days, which must not be exceeded, the local and provincial Committees shall send to the Institute of Social Reform a statement of the number of cases in which they have started proceedings in respect of breaches of the labour laws before the period in question, and every two months from the date of this Circular, shall issue a proper decision in such proceedings communicating it immediately to the Ministry.

11. Any person may complain of a breach of the laws relating to conditions of work. A written complaint shall not require sealed paper, stamp or any other formality. Every agent of the authority shall be bound to receive verbal complaints and to transmit them within twenty-four hours in the proper authenticated form to the Local Committee of Social Reform.

20. *Real orden dictando reglas para evitar ciertos abusos de que vienen siendo objeto los emigrantes.* 6 de Abril de 1916. (B.I.R.S. XII., II., 502)

Royal Order issuing regulations to prevent certain abuses to which emigrants are subject. Dated 6th April, 1916.

21. *Real orden dictando normas para la aplicación del Real decreto de 20 de Enero del año actual, referente a las reglas de seguridad a que han de sujetarse los andamiajes.* 29 de Abril de 1916. (B.I.R.S. XII., 507.)

Royal Order laying down principles for the application of the Royal Decree of 20th January of the present year,* relating to the safety rules for the use of scaffolding. Dated 29th April, 1916.

* Text E.B. XII. p. 47 No. 18. (The date, 23rd January, there given is that of the Decree itself; that given here, 20th January, is the date of the preamble to the Decree.)

IV. Switzerland

(A) CONFEDERATION.

Landesratbeschluss betreffend die Organisation der Schweizerischen Fabrik-inspektion. Vom 13 Januar, 1917. (Schweiz. Gesetzsammlung 1917, Nr. 2, S. 15.)

Resolution of the Federal Council respecting the organisation of the Swiss Factory Inspectorate. (Dated 13th January, 1917.)

1. For the purpose of supervising the observance of the federal provisions of force respecting work in factories, four Swiss factory inspection offices shall be established.

2. The factory inspection offices shall be subject to the Swiss Department of National Economy, Industrial Section.

3. The following districts shall be made for the purposes of the factory inspection offices :—

DISTRICT I.—The Cantons of Berne (French part), Fribourg, Vaud, Valais, Neuchâtel, Geneva.

DISTRICT II.—The Cantons of Berne (German part), Solothurn, Basle (Town), Basle (Rural), Aargau.

DISTRICT III.—The Cantons of Zürich, Lucerne, Uri, Schwyz, Obwalden, Nidwalden, Zug, Tessin.

DISTRICT IV.—The Cantons of Glarus, Schaffhausen, Appenzell-A-Rh., Appenzell-I-Rh., St. Gall, Graubünden, Thurgau.

4. The factory inspection offices shall be situated in :

Lausanne	for District	I.
Aargau	„	II.
Zürich	„	III.
St. Gall	„	IV.

The Department of National Economy may allow a period of transition for the purpose of removing an existing official centre.

5. The staff in each district shall consist of a factory inspector, two assistants of Grade I. or II., and one clerk of Grade I. or II.

The Federal Act respecting the remuneration of the Federal officials and employees, dated 2nd July, 1897, and the Federal Act of 24th June, 1909, to amend the same, shall apply to these officials.

The officials shall be placed in the following salary classes :—

Factory Inspectors	..	..	..	..	Salary Class	I.
Assistants : Grade I.	..	..	..	..	„	II.
„ „ II.	..	..	..	..	„	III.
Clerks : Grade I.	..	..	..	..	„	V.
„ „ II.	..	..	..	..	„	VI.

The maximum salaries shall be those fixed in the Federal Act of 24th June, 1909.

6. §84 (Supreme supervision by the Federal Council ; Inspectorate) of the Federal Act of 18th June, 1914,* respecting work in factories shall apply.

7. This Resolution shall come into force on 1st March, 1917.

The Department of National Economy is charged with its administration. Until this is organised, the existing system of factory inspection shall remain in operation.

* Text E.B. IX., p. 281.

(B) CANTONS.

ZURICH.

Beschluss des Regierungsrates betreffend Sonntagsarbeit in den Kinematographentheatern. Vom 21 August 1913.

Resolution of the State Council respecting Sunday work in cinematograph theatres. (Dated 21st August, 1913.)

I. Cinematograph theatres in the territory of the Canton of Zürich shall be entirely closed on Good Friday, Easter Sunday, Whitsun Day, the Federal Day of Prayer, and the first day of Christmas ; on the other hand, they may be opened on the other public days of rest from 3 o'clock in the afternoon to 10 o'clock at night.

II. The hours of work of assistants, employees and workers on public days of rest shall not exceed 9 hours. They shall be given whole holidays on 52 days in the year, 12 of which must fall upon the public days of rest.

III. Cinematograph owners shall keep record books for their undertakings, containing the names of all of their own employees, and showing on which public days of rest and for how long each employee is required to work and when the holidays were allowed them in compensation for the lost Sunday rest.

The record book shall be made available for inspection in the office at any time to the Cantonal and Communal authorities and officials, and to the persons employed.

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Central Office : BASLE, SWITZERLAND.

OBJECTS.

1. To serve as a bond of union to all who believe in the necessity for Labour Legislation.
2. To organise an International Labour Office.
3. To facilitate the study of Labour Legislation in all countries and to provide information on the subject.
4. To promote international agreements on questions relating to conditions of labour.
5. To organise International Congresses on Labour Legislation.

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